THE PUBLIC SPHERE JOURNAL

The Public Sphere is a journal of international policy studies produced by postgraduate students at the London School of Economics and Political Sciences Institute of Public Affairs (IPA). The Public Sphere Journal, now in its fourth year, publishes evidence-based-research in economic policy, public management, international affairs, development studies and social policy. The journal offers contributors and readers an active space to rethink, critically analyse and address important policy problems. The Public Sphere welcomes submissions that contribute to vibrant debate from advanced students in relevant degree programs, academics and practitioners. This special edition is a collaborative effort between the Public Sphere and the LSE Africa Summit.

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This special edition of the Public Sphere Journal is dedicated to the 2016 Africa Summit Research Conference, themed “Africa within a Global Context: Challenging Conventions”. For African countries to move forward, debates need to go beyond conventions and normative orientations about their position in the world. Papers published in this Journal have been selected as they portray practical debates that do so. By placing their stories, experiences and solutions at the forefront, Africans can become agents of their own change when dealing with the implications and opportunities of globalisation. The articles in this journal contribute to debates necessary for achieving the African Union's ambitious vision by 2063: an Africa that is integrated, prosperous and at peace with itself.
LETTER FROM THE EDITORS

We are excited to present to you this year’s Africa Summit edition of The Public Sphere journal, which highlights a range of significant policy issues and areas of research. We at The Public Sphere believe it is important to provide a forum for these topics and are grateful for the opportunity to bring you this special edition in collaboration with the LSE Africa Summit team. The papers in this year’s edition represent a range of regions and research fields spanning across the African Continent. While diverse, they all share in a common significance and relevance to this year’s Africa Summit conference theme and are central to the discussion around Africa within a global context today.

In the journal, you can read about the evolution of the soya sector in Mozambique and dive into the debate around land grabbing in Central Nigeria. You can learn about the political economy of epidemics; and assess the impact of Chinese agriculture technology demonstration centres in Southern Africa. Further, you can delve into important gender issues such as gender-based violence crimes in the Democratic Republic of the Congo, human trafficking in Nigeria, gender-specific development in Zimbabwe, and the meaning of female genital cutting in Africa today.

We selected the papers based on their relevance to this year’s conference theme, innovation in the field of research, and interest to readers like you. We worked with the authors to hone their writing and bring clarity to their thoughts, research, and presentation. We are grateful for their hard work and dedication throughout the process. It is an important time to be discussing Africa within a global context, and we hope this year’s journal edition will challenge conventional perceptions, stimulate curiosity, and encourage fruitful discussion. Thank you for reading. We hope you enjoy.

Sincerely,

The Public Sphere Africa Summit editorial team
Chinese agriculture technology demonstration centres in Southern Africa: the new business of development

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Chinese aid in the African agriculture sector is one of the enduring forms of involvement on the continent. The launching of Agriculture Technology Demonstration Centres (ATDCs) in 2006 marked a new intensive phase in agricultural aid, which seeks to find sustainability through public-private partnerships and to promote Chinese commercial pursuits. Based on in-depth fieldwork in Mozambique and South Africa, this paper provides a critical analysis of ATDCs practices. As per the three key objectives of the ATDC - technology transfer, business development, and sustainability -, the authors find three major results. First, the agro-technology transfer proves to be beneficial but at a very localized level. Second, Chinese agribusiness companies have been introduced to the host countries through the platform of the ATDC, and are partially fulfilling the commercial aim of the project. Third, the long-standing problem of aid unsustainability remains a major concern with the newly launched ATDC project. The deficiency of policy design and lack of effective bilateral interactions are identified as the main reasons for the problems experienced.

Keywords

Chinese agricultural aid; Africa; agriculture technology demonstration centre (ATDC); Mozambique; South Africa

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INTRODUCTION

Chinese agricultural aid in Africa dates back to the late 1950s, and still remains an essential part of Chinese contemporary aid towards the continent. Due to the significance of agriculture to economic development and social upliftment, the sector has always been given special priority by the Chinese government in its aid pledges. The aims and modalities of Chinese agricultural aid in Africa have however undergone substantial changes over the last five to six decades. This is particularly the case with the country’s aid reforms since the 1980s, which began to put more emphasis on aid performance and on serving a wider range of foreign policy objectives.

The Agriculture Technology Demonstration Centre (‘the ATDC’ or ‘the Centre’ hereinafter), a flagship project of Chinese contemporary agricultural aid programme in Africa, is a key institutional expression of this transformation of Chinese foreign aid. It combines both diplomatic and commercial goals, involves a diversity of public and private actors, and adopts a complicated operational mechanism. Furthermore, it represents an innovative dimension of Chinese agricultural aid, in that it is a hybrid of different forms of aid programming previously utilised (e.g. farms, agro-technology demonstration/extension stations, experts dispatch), with some of the mechanisms being intentionally designed to avoid problems experienced in the past.

While the ATDC project has attracted wide attention from both domestic and international observers since its inception in 2006, there has been a dearth of fieldwork-based research conducted in this arena. Of the existing research, most has concentrated on policy analysis and captured only the inception phase of the projects (Xu and Qin, 2011; Tang, 2013; Scoones, et al. eds., 2013; Tang, et al., 2014; Chichava, et al., 2014). The way the ATDCs are implemented, how the different Centres operate and the dynamics of these Centres over time have not been the focus of studies to date.

In short, in order to obtain a fuller insight into the Chinese agricultural aid programme, it is necessary to analyse the ATDC operations over the past ten years and to provide a comparative investigation into functioning ATDCs in different country settings. Specifically, this paper aims to: first, study the objectives and modalities (actors and operational mechanisms) of
the ATDC project; second, analyse the actual practice of the ATDC through in-depth case studies of the ATDCs in two Southern African countries: Mozambique and South Africa; third, provide some policy recommendations to improve the ATDC performance.

Three sources of data informed this qualitative research. Primary data was collected through a semi-structured questionnaire-based survey. Through a combination of purposive and chain referral sampling, 10 interviews were conducted for the ATDC in Mozambique and 22 interviews were conducted for the ATDC in South Africa. The interviewees involved stakeholders from both the Chinese and host-country sides, covering the Chinese staff working in the ATDCs, the Mozambican and South African officials, staff and workers. Observational data was obtained, during the survey period, through site visits, allowing an understanding about the physical setting. Finally, secondary data including documentation regarding plans, project structure and project governance were collected from both public sources and the interviewees in order to corroborate the findings from interviews and observations. All fieldwork was conducted in Mozambique over a period from October 2013 to January 2015 and in South Africa from April 2013 to January 2015.

This paper is organized in five sections. Section I outlines the general picture of the ATDC project, examining its objectives, actors and mechanisms. Section II and III investigate the specific cases of the ATDCs in Mozambique and South Africa, respectively. Section IV provides an integrated analysis of three key topics: technology transfer, business introduction and sustainable development. Finally, section V, provides conclusions and policy implications.

**SECTION I. ATDC: OBJECTIVES, ACTORS AND MECHANISMS**

The ATDC project was first proposed at the Beijing Summit of the 3rd FOCAC (Forum on China Africa Cooperation) in 2006. The Chinese government pledged to build 10 ATDCs in different African countries (FO-
CAC, 2006). The number was then increased to 20 during the 4th FOCAC of 2009 (FOCAC, 2009). By 2012, there had been in practice at least 23 Chinese-aided ATDCs, with the first 14 centres having finished construction and been transferred to the host governments, and nine others still in the process of completing a feasibility study or construction (Table 1).

Objectives

According to the official document which guides the practice of the ATDCs (‘ATDC Guidance’ hereinafter), issued jointly by China’s Ministry of Commerce (MOC) and Ministry of Agriculture (MOA), the purposes of the ATDCs are explained as follows (MOC and MOA, 2011):

I. To serve China’s foreign strategy and promote bilateral relations with the recipient countries;
II. To help increase grain production, improve agricultural technology, and enhance food security of the recipient countries;
III. To provide a platform for Chinese companies to develop in Africa, and promote China’s ‘Agricultural Going Out’ policy;
IV. To build the ATDC into a base for agro-technology experiment and research, demonstration and extension, human resources training, and display.

Based on the ATDC Guidance, the objectives of the ATDC project can be interpreted mainly from two aspects. First, ATDCs are launched primarily for political/diplomatic considerations and act first and foremost as a Chinese government aid project in Africa (Objective I & II). The aim is to improve food security of the recipient countries through the transfer of Chinese advanced agro-technology (Objective IV), and thereby, to consolidate and strengthen the ‘traditional friendship’ between China and Africa. Specifically, the agro-technology transfer is expected to be realised by the execution of four functions: research, demonstration and extension, training, and display (Objective IV). These are also termed by the Chinese gov-
ernment as ‘public-interest functions’ (gongyixing gongneng) in that they are all supposed to be non-commercial activities.

Second, ATDCs project bear some commercial elements. This is a new feature compared to China’s earlier agricultural aid practice in Africa and this is in line with the country’s aid reforms since the 1980s. Most prominently, the commercial elements are manifested through the intention of establishing business platforms for Chinese agro-companies (Objective III), which is termed as business introduction in this paper. Also, similar to the practice of Chinese contemporary aid in general, the ATDC project is accompanied by and expected to promote export of Chinese agro-equipment and materials, among others (MOC and MOA, 2012).

**Actors**

The Chinese government incorporates Chinese companies, both state-owned and private, in the management of the ATDCs. This demonstrates an element of government-company cooperation, and, in the case of private firms, a Public Private Partnership (PPP) model. To be qualified to operate and manage an ATDC, the companies, in principle, have to be national or provincial-level leading agro-companies in China and must have strong financial, managerial, and technical capabilities. The companies need to go through a bidding process - though not a fully open or competitive one – with the local and central Chinese governments having influence over the decision-making (Tang et al., 2014). No private actors from the host countries are currently involved in the implementation of the ATDCs.

While the Chinese company actors (referred to as the “implementing agents” hereinafter) are the main role players in the daily operation of the

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2 Important reform measures in the 1980s include, for instance, incorporation of company actors through the “contract and responsibility system” and strengthening of the post-transfer technical and management cooperation of aid projects, which primarily aimed at improving the aid efficiency and sustainability. More commercial-oriented reform started from the mid-1990s. Aid was increasingly used as an instrument to serve China’s economic foreign policy objectives, for example, through promoting foreign trade and investment. The aid financing channels were also diversified with more market capital (e.g. bank loans and company funds) being utilized.

3 There are also several cases, for instance, in Congo, Rwanda, Zambia and Zimbabwe (see Table 1), that the ATDCs are run by Chinese universities or research institutes. They sometimes also register a company under their names to operate the Centre.
ATDCs, they also work in conjunction with several government agencies of both China and the host countries. The Chinese MOC and MOA, central-level government actors on the Chinese side, are predominantly involved in the macro planning, facilitating and supervising the ATDC project. In most cases, each of the ATDC-recipient countries is twinned with one specific province (or provincial-level city) in China (Table 1), designated by the Chinese central government (MOC and MOA, 2011). Apart from providing general support for the implementation of the project, the local Chinese governments are expected to play a leading role in promoting agro-companies from their province to invest in the twinned African country (MOC and MOA, 2011). On the recipient side, various counterpart government agencies are involved in the implementation of the ATDC, which vary in the different African countries.

**Mechanisms**

Each ATDC has three operational stages: Project Construction Stage, Technical Cooperation Stage and Business Operation Stage. The Project Construction Stage normally takes about one year. While the host government provides logistical support such as providing land, electricity and water, the Chinese side is in charge of the construction of infrastructure and the provision of agro-equipment and materials. The construction is executed by Chinese companies, but in most cases involves, to different degrees, employment of local workers in the host countries. The majority of the fees incurred in this stage are underwritten by the Chinese government, which averages about 40 million RMB (approximately $660,000) for each of the Centres. (MOC and MOA, 2011; the authors’ fieldwork)

Once the construction is completed, the ATDC is transferred to the host government and becomes a state asset of the latter. This also usually indicates the commencement of the three-year Technical Cooperation Stage. The main tasks for the ATDC in this stage are to perform the four ‘pub-

4 Prior to the commencement of any stages, an exchange letter is signed between the two respective governments. The letter typically sets out the respective roles and responsibilities of the governments and implementing companies, particularly in the Project Construction Stage and the Technical Cooperation Stage.
lic-interest functions’ mentioned earlier: agro-technology research, demonstration and extension, training and display. A Chinese technical team is assigned to the Centre to undertake these tasks. Moreover, in fulfilment of the ‘business introduction’ objective, the Centre also acts as a platform for Chinese agro-companies, who are seeking agribusiness opportunities into the host country. This latter dimension is fundamental because through it the Centre starts planning and setting the basis for the succeeding Business Operation Stage. To do that, many of the ATDCs set up small-scale agribusinesses based on the Centre in preparation for the business-oriented operation in the future (MOC and MOA, 2011; the authors’ fieldwork).

In the Technical Operation Stage, in terms of the management, the Chinese implementing company runs the Centre on the daily basis. Financially, the Chinese government covers most of the Centre’s daily operations, including the funds needed to carry out the routine activities such as agro-research, demonstration and training, as well as the salary of the Chinese staff. The host government plays the role of a facilitator, assisting to varying degrees with the technical and managerial issues and also sharing a small part of the financing responsibility related to this (MOC and MOA, 2011; the authors’ fieldwork).

When the three-year technical cooperation ends, the ATDC enters the Business Operation Stage. In this stage, the Centre is expected to be able to establish a market-oriented, integrated agribusiness value chain. Meanwhile, the original ‘public-interest functions’ are supposed to remain and even to be expanded and diversified. As far as it was designed in the ATDC Guidance, the Chinese companies will continue taking full charge of the Centre’s management at the Business Operation Stage. Financially, the Chinese government only covers the operational fees of the ATDCs for the first three years of technical cooperation; afterwards, the Centre should try to fund itself through incomes from the business operation (Xu and Qin, 2011). The

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5 Different from the description of the former two stages that is combined by both policy documents survey and the authors’ fieldwork, the description of the Business Operation Stage is mostly based on policy documents (esp. the ATDC Guidance); that is, more from a policy design point of view. This is because by early 2015 when the last-time fieldwork was conducted, most of the first 14 ATDCs had just entered or were about to enter this stage (Table 1), thus little empirical evidence was available at that moment.
specific roles and responsibilities of the local partners were not specified in the ATDC Guidance and thus need to be further negotiated on the ground on a case-specific basis (MOC and MOA, 2011).

While this stage is also in line with the ‘business introduction’ objective, the primary purpose of having a prolonged cooperation period and adopting the business model is to ensure the sustainable development of the ATDC. Again, this has much to do with China’s aid reforms since the 1980s. One of the important reform measures that aimed to improve the aid sustainability was to strengthen ‘management cooperation’ in the post-construction phase. The management cooperation may take different forms such as sole management by the Chinese side on a entrustment or lease term (given that after transfer the project is part of the host country’s assets), or co-management through joint venture created by both sides (Shi 1989; State Council 2011). Either a Chinese-led or joint venture way of management could be applied to the ATDC project. It could also be, in theory, an independent management by the recipient side as long as the recipient country is capable of operating the Centre on their own. The specific cooperation model, particularly the unspecified responsibilities of the local partners, is to be negotiated between the two sides as the Technical Cooperation Stage nears the end. The original plan as seen in the ATDC Guidance, however, seems to suggest a Chinese-led management model.

In the following sections, the case studies will be focusing particularly on technology transfer, business introduction and sustainable development, the three aspects that have been identified earlier (as highlighted in Part I) as the core goals of the ATDCs.

SECTION II. CASE STUDY: ATDC IN MOZAMBIQUE

The China-Mozambique Agriculture Technology Demonstration Centre (‘the Mozambican ATDC’ or ‘the centre’ hereinafter) was one of the first 14 ATDCs that were put into practice (Table 1). It was launched by the then

6 Also see footnote 2.
<table>
<thead>
<tr>
<th>No</th>
<th>Host Country</th>
<th>Chinese Implementing Agent(s)</th>
<th>Area (Ha)</th>
<th>Cooperation Fields</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Benin</td>
<td>China National Agricultural Development Group</td>
<td>51.6</td>
<td>Grains (e.g. maize), vegetables, livestock (e.g. chicken)</td>
</tr>
<tr>
<td>2</td>
<td>Cameroon</td>
<td>Shanxi province Shanxi State Farms and Land Reclamation Group [TS: Northwest Agriculture and</td>
<td>100</td>
<td>Rice</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Forestry Technology University]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Republic of Congo</td>
<td>Chinese Academy of Tropical Agricultural Sciences</td>
<td>59</td>
<td>Grains (e.g. maize, cassava), vegetables, livestock (e.g. chicken); fodder production and processing; agricultural mechanisation</td>
</tr>
<tr>
<td>4</td>
<td>Ethiopia</td>
<td>Guangxi provincial Guangxi Bagui Agricultural Science and Technology [TS: Guangxi Agricultural</td>
<td>52</td>
<td>Grains, vegetables and livestock (e.g. pigs, cows and chicken)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Vocational College]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Liberia</td>
<td>Hunan province Longping High-tech Agriculture</td>
<td>32.6</td>
<td>Hybrid rice</td>
</tr>
<tr>
<td>6</td>
<td>Mozambique</td>
<td>Hubei province Lieafeng Overseas Agricultural Development</td>
<td>52</td>
<td>Grains (e.g. maize)</td>
</tr>
<tr>
<td>7</td>
<td>Rwanda</td>
<td>Fujian province Fujian Agriculture and Forestry University</td>
<td>22.6</td>
<td>Grains, mulberry plantation and silkworm keeping, jun-cao cultivation, water-conservancy</td>
</tr>
<tr>
<td>8</td>
<td>South Africa</td>
<td>China National Agricultural Development Group [TS: Chinese Academy of Fishery Sciences]</td>
<td>0.47</td>
<td>Freshwater aquaculture</td>
</tr>
<tr>
<td>9</td>
<td>Sudan</td>
<td>Shandong province Shandong International Economic and Technical Cooperation Group [TS: Shandong</td>
<td>65</td>
<td>Grains (e.g. wheat, maize), vegetables, cotton, peanuts; water-conservancy</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Academy of Agricultural Sciences]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Tanzania</td>
<td>Chongqing Municipality Chongqing Seed Group [TS: Chongqing Academy of Agricultural Sciences]</td>
<td>62</td>
<td>Grains (e.g. rice, maize, soybeans), vegetables, flowers, livestock (e.g. chicken)</td>
</tr>
<tr>
<td>11</td>
<td>Togo</td>
<td>Jiangxi province Huachang International Economic and Technical Corporation</td>
<td>10</td>
<td>Rice, maize</td>
</tr>
<tr>
<td>12</td>
<td>Uganda</td>
<td>Sichuan province HuaqiaoFenghuang Group</td>
<td>0.3</td>
<td>Freshwater aquaculture</td>
</tr>
<tr>
<td>13</td>
<td>Zambia</td>
<td>Jilin province Jilin Agriculture University</td>
<td>120</td>
<td>Grains (e.g. wheat, maize, soybeans), vegetables; agricultural mechanisation</td>
</tr>
<tr>
<td>14</td>
<td>Zimbabwe</td>
<td>Chinese Academy of Agricultural Mechanization Sciences (Menoble)</td>
<td>109</td>
<td>Agricultural mechanisation and irrigation</td>
</tr>
</tbody>
</table>

The 14 ATDCs that have been transferred to the host governments

The 9 ATDCs that are still under negotiation or construction

Source: Made by the authors based on media reports and fieldwork. (C: Project Construction, T: Technology Cooperation, B: Business Operation, TS: Technical Support)
Chinese president Hu Jintao during his state visit to Mozambique in 2007. A Chinese delegation was then assigned by the Chinese MOA to conduct a feasibility study. With the assistance of the Ministério de Agricultura (MINAG) and Ministério de Ciência e Tecnologia (MCT) of Mozambique, both sides finally chose a location for the centre in Boane, 23km southeast of Maputo.

Meanwhile, the Chinese company, Lianfeng Overseas Agricultural Development Company (‘Lianfeng’ hereinafter) was selected as the implementing agent to take full charge of the centre’s construction and management. Lianfeng is a provincial-level state farming company affiliated with the Bureau of State Farms and Land Reclamation (BSFLR) under the Hubei provincial government of China. The construction of the centre started in 2009 and finished in 2010. In July 2011, the ATDC was formally transferred to the Mozambican government. From April 2012, the centre entered into the Technical Cooperation Stage.

On the Mozambican side, MCT was the designated authority in charge of assisting in technical and managerial issues of the centre on the daily basis. In addition, the MINAG and IIAM, Instituto de Investigação Agrária de Mozambique, also played an assisting role (Interview, 14 Nov 2013). According to one performance evaluation conducted by the Chinese MOC in 2013, the Mozambican ATDC was ranked the first among 15 ATDCs that were in operation (Zhang and Zhang, 2015).

**Technology Transfer**

Agro-technology transfer occurred in two main areas, crop farming (e.g. rice, maize, vegetables) and animal husbandry (e.g. pig farming), which were decided based on the local conditions and bilateral negotiation (Interviews, 4 Nov 2013-b and 8 Nov 2013). Trainees were selected from the ten provinces across the country by the Mozambican MCT and MINAG, and

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7 For more detail on the mechanisms and problems regarding the government actors on the Mozambican side, see Chichava, Durán and Jiang, 2014.
8 Most of the trainees were selected by the local branches of the MCT and MINAG in different provinces from farmers who were registered with the local agricultural associations. In some other cases, independent farmers who were not registered may also be selected. There were no specific selection criteria, as responded by the interviewee, apart from the trainees’ health conditions (Interview, 14 Nov 2013).
fell into three categories: farmers, technicians and officials. Among them, ordinary smallholder farmers were given the greatest emphasis: around 6-7 training sessions are arranged per year for them with each session lasting for 10 days. They were taught basic and practical farming techniques, which are easily implemented. For the technicians, 3 one-month training sessions were organised every year, with courses designed at a higher level covering rice breeding techniques and field management, amongst others. The centre also trained agricultural officials, at a lower frequency, with only three to five day sessions per year, which revolved mostly around management matters. In addition, the centre provided study and internship opportunities to college students, lasting from several weeks up to 6 months (Interviews, 18 Oct 2013, 4 Nov 2013-a, and 14 Nov 2013).

The training adopted a combined method of in-class teaching and fieldwork. However, courses remained flexible to counteract various challenges experienced in providing the training. One of the biggest challenges was the language barrier that existed between the Chinese agro-experts and the trainees. To overcome this, various alternative teaching methods had been developed, including providing bilingual (English/Portuguese) hand-outs and picture illustrations as well as involving the staff from MCT or IIAM in the teaching process. In addition, given that the farmers often had little agro-technology experience or low levels of education, the experts faced difficulties in explaining some of the agro-technologies, especially when accompanied by theoretical contents. To counter this, they had, for instance, re-adjusted the courses by reducing theoretical content while strengthening the in-field training (Interviews, 4 Nov 2013-a and 14 Nov 2013).

The funding for the training was mainly provided by the Chinese government, with the Mozambican government playing a minor role (e.g. the transportation and accommodation costs of the trainees) (Interview 14 Nov 2013). During the first two years of the technical cooperation stage, between 2012 and 2013, more than 700 Mozambican farmers, technicians and officials received training at the centre (Interview 18 Oct 2013). A formal follow-up or feedback mechanism did not exist, mainly due to the lack of finance (Interview, 14 Nov 2013). However, basic feedback from the farmer trainees showed that their production had increased and in some cases more
than doubled, due to the knowledge gained from the courses (Interviews, 4 Nov 2013-a and 14 Nov 2013).

The Mozambican ATDC also conducted basic research activities, primarily on seed testing, during the Technical Cooperation Stage. By 2013 the centre had tested more than 100 different crop varieties, both Chinese and local types (Interview, 8 Nov 2013). However, there were some disagreements around the seed testing. The Mozambican side hoped that the centre could test more local varieties (Interview, 14 Nov 2013; Chichava et al., 2014). On the other hand, the Chinese experts believed that their main responsibility was to introduce more good, high-yield Chinese varieties into the host country as the technology transfer objective suggests. Also, they expressed the difficulty to gain the local seeds given the fact that there were very few seed suppliers on the market, and they did not think their Mozambican partners had done enough in terms of providing, or facilitating the access to local varieties for testing (Interviews, 4 Nov 2013-a and 8 Nov 2013). Considering this, it did not seem to be adequate communication between the two sides around this issue.

Business introduction

The Mozambican ATDC had to a large extent achieved the business introduction objective. This can be seen from three main aspects. First, Lianfeng, the project-implementing company, started an agribusiness based on the centre. It developed crop and animal production by using the land of the centre (approximately 50 ha) and distributed the output into the local market. Lianfeng also identified seed production, both Chinese and Mozambican varieties, as a potential viable business opportunity due to the insufficient supply on the local market, as well as Lianfeng’s expertise in seed production (Interviews, 18 Oct 2013 and 8 Nov 2013). In addition, the company have planned to provide paid agro-technical extension services once the three-year Technical Cooperation Stage is over9 (Interview, 18 Oct

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9 However, Lianfeng clearly realised that, for that to happen, support from the Mozambican government, for example, in the form of giving agro-subsidies to the farmers, is required, as it is envisaged that these services would be uneconomical to the majority of the local farmers (Interview, 18 Oct 2013).
Second, apart from the business enterprises based on the ATDC, Lianfeng also participated in a couple of agribusiness projects in other provinces of Mozambique, in collaboration with private agro-companies from Hubei.

Third, the Mozambican ATDC worked closely with other Chinese agro-companies and individuals, providing information and technical support that facilitates their investment. An individual agro-investor from Shandong province of China, for instance, visited the centre regularly to seek technical guidance on his 300 ha rice field near Maputo (Interviews, 29 Dec 2014-a and 14 Jan 2015). Wanbao, another Hubei company producing rice in the Gaza province of Mozambique, also gained from the centre’s assistance, particularly in its initial period of investment, including such as the selection of the project site and the rice variety (Interview, 4 Nov 2013-b). As commented by the manager of a state-owned agricultural enterprise, ‘If we find our investment works a bit easier here, this should be attributed to the ATDC’ (Interview, 10 Jan 2015).

**Sustainable development**

The three-year Technical Cooperation Stage for the Mozambican ATDC was due to end in May 2015. Future development plans, specifically concerning the Business Operation Stage, for the centre had yet to be finalised between the two governments by the time the fieldwork was conducted in early 2015. The general feeling from the Chinese side, however, was that the Mozambican counterpart was probably not capable of operating the centre independently. A very likely scenario seemed to be that the Mozambican ATDC would have an extension of the Technical Cooperation Stage for another three years, as already requested by the Mozambican government. In this case, Lianfeng would continue to run and manage the centre (Interview 29 Dec 2014-b).

Financially, although the centre had been able to earn economic profits on its own terms and had a business expansion plan for the future, the profits which had been and would be gained from the commercial operation were not sufficient to cover the running costs of the centre. This is primarily
due to the limited resources the centre has – only around 50 hectares of land and a handful of staff (Interview 29 Dec 2014-b).

From the managerial point of view, although the Mozambican side had contributed greatly in the centre’s training activities, they had not fully participated in the management process. Despite the fact that positions and offices were made available to the Mozambicans, they only worked part-time\textsuperscript{10} and, in fact, went to the centre only when they had specific problems that needed to be addressed. Partly in response to the ‘lack of transparency’ criticism by the Mozambican side (Interview, 14 Nov 2013), the Chinese had negotiated with the Mozambican government several times and finally managed to persuade them to dispatch at least three staff to the centre. However, due to a number of bureaucratic reasons, there were still no Mozambican staff working at the centre (Interview, 4 Nov 2013-a). The lack of local participation made it challenging for the Mozambican side to operate the centre independently.

\textbf{SECTION III. CASE STUDY: ATDC IN SOUTH AFRICA}

The China-South Africa Agriculture Technology Demonstration Centre (‘the South African ATDC’ or ‘the centre’ hereinafter) was also one of the first 14 ATDCs (Table 1). In 2007, the feasibility study was completed and the site of the centre was chosen by the South African government at Gariep Dam in the central province of the Free State. The construction of the centre commenced in 2009 and finished in 2011. In October 2013, the final exchange letter\textsuperscript{11} was signed between the two sides, signifying all the preparation work for was complete (Harding, 2014). From February 2014, the ATDC formally entered the Technical Cooperation Stage (Interview, 29 Jan 2015).

China National Agricultural Development Corporation (CNADC) was the implementing agent designated by the Chinese government to man-

\textsuperscript{10} For they also need to work for the MCT.
\textsuperscript{11} See footnote 4.
age the centre in the Technical Cooperation Stage\textsuperscript{12}. CNADC is a leading agro-company in China and one of the 112 Chinese central-level SOEs (State-owned Enterprises). More specifically, it is China Agriculture International Development Co Ltd. (CAIDC), one of CNADC’s subsidiaries, that took the actual responsibility of running the centre. CAIDC also worked closely with FFRC, China Freshwater Fish Research Centre, with the latter dispatching aqua-experts and providing technical support to the centre.

On the South African side, the most relevant actors are the Free State Department of Agriculture and Rural Development (FSDARD), the South African National Department of Agriculture, and the Forestry and Fisheries (DAFF). During the Technical Cooperation Stage (now in execution), these actors play a supportive role. Once this stage ends in 2017, these actors are expected to run the centre independently.

**Technology Transfer**

The focus of the South African ATDC is on freshwater aquaculture. The FSDARD selected the trainees based on three categories: smallholder farmers, technicians or extension officers and government officials (Harding, 2014). During 2014, the first year of the Technical Cooperation Stage, nine training sessions were held, with 165 trainees attending the courses. The majority of the trainees (100) were smallholder farmers working for six government-backed fish farms in the Free State. The extension officers and technicians (65), from different districts of the Free State, were trained prior to the farmers. These officers had played an important role in assisting the Chinese experts with technology extension. In addition, the centre also formed a cooperation programme with the University of Free State, with the objective of giving lectures and providing training courses to college students (Interview, 29 Jan 2015).

The training courses combined both in-class teaching and fieldwork. In the case of the smallholder farmers, the experts also went to the fish farms to give assistance on practical issues, such as adjusting water temperature in the ponds and feeding schedule, or in the case of those government-backed

\textsuperscript{12} The construction of the centre was contracted to another Chinese company.
farms, assisting in substantiating smallholder claims for improved technology to local government.

In general, based on the feedback from the smallholder farmers, the training provided was well received. Through it, for instance, recipients became aware of the importance of water temperature and quality, and the effects of these factors on the growth rate of the fish (Interview, 30 Jan 2015-c). However, the training process faced certain difficulties. First, the farmers did not have access to the technologies used in the centre, in their farms. Therefore, the techniques could not be implemented on their own fish farms. Second, there was a communication barrier between the Chinese aqua-experts and the local trainees. In addition, the experts had difficulties explaining the technicalities of fish farming. This was a challenge especially in the cases where the recipients had no previous experience or broad knowledge of fish farming.

The centre also begun with some preliminary research activities with the view of scaling up in 2015-16. Research topics ranged from feeds and nutrition, fish health and disease, water quality, breeding and genetics to production systems, market analysis and transportation. The plan was to incorporate local institutes, such as the University of Free State and the Agricultural Research Council of South Africa, into the research agenda, to provide them access to the facilities of the centre (Interview, 30 Jan 2015-b).

**Business Introduction**

Different from the general design for ATDCs by the Chinese government, the business operation was not one of the chief concerns for the centre in South Africa (Interview, 8 Mar 2015) because no business plans for the centre were developed in the exchange letters\(^{13}\). However, plans still needed to be developed in order to deal with the output of the centre. Considering this, few options were proposed by the South African ATDC. For instance, the fish could be sold on the open markets, but mainly to the Chinese com-

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\(^{13}\) This may have something to do with the plan of transferring the management to South Africa after the Technical Cooperation Stage. Hence, there was no urgent need for the centre to develop commercial activities with an aim to finance itself in the long run.
communities in Bloemfontein, Johannesburg and Pretoria, given that Chinese citizens have the dietary habit of eating freshwater fish (Interview, 29 Jan 2015). Moreover, a private South African company had plans to open a fish processing plant near the centre, and the fish output from the ATDC and the government-backed fish farms could then feed into the fish processing plant. The output from the plant could supply the hospitals, schools and police stations within the country or be exported overseas, particularly to China (Harding, 2014). Although there was not an explicit business plan based on the centre itself, the Chinese staff, from the CAIDC, had been collecting information on the local investment environment and keeping their Beijing-based headquarter regularly updated (Interview, 8 Mar 2015), which may help smooth the way for their future investment in South Africa.

**Sustainable Development**

There was not yet a final agreement as to the future development after the three-year technical cooperation by early 2015, but according to the preliminary exchange letters, the ATDC will be handed over to the FSDARD in February 2017. The management team from the CAIDC will be replaced by the South Africans, while the Chinese technical team may stay if requested by the South African side until February 2020. Financially, the FSDARD will be responsible for all costs relating to the centre once Technical Cooperation Stage ends (South African ATDC, 2013).

The centre had five full-time positions for South Africans. At least two of these local staff, one research assistant and one freshwater scientist, lived in the centre and worked closely with the Chinese concerning both administrative and technical issues. The Chinese also kept in contact with several government officials from the FSAARD for the daily operation of the centre (Interview, 30 Jan 2015-a). This should help to some extent assure the management and technical sustainability of the centre after the handover. However, as seen in Table 2, all major positions were filled by the Chinese, with the South African staff playing a supportive role. Moreover, the majority of the staff were yet to be employed permanently at the centre by the time of
the fieldwork in early 2015. These aspects represented a relevant risk for the managerial sustainability of the centre.

Table 2 Governance Structure for the South African ATDC

<table>
<thead>
<tr>
<th>Human Resources</th>
<th>Nationality</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Manager</td>
<td>Chinese</td>
<td>Overall operation and management of the Centre</td>
</tr>
<tr>
<td>Deputy Project Manager</td>
<td>South African</td>
<td>Manage and arrange the facility, strategic planning, assistance to project manager</td>
</tr>
<tr>
<td>Technology Officer</td>
<td>Chinese</td>
<td>Oversee hatchery related issues: in charge of fry production, technology demonstration and personnel training</td>
</tr>
<tr>
<td>Deputy Technology Officer</td>
<td>South African</td>
<td>Assist with hatchery related activities</td>
</tr>
<tr>
<td>Financial Officer</td>
<td>Chinese</td>
<td>Financial planning and monitoring of expenses</td>
</tr>
<tr>
<td>Administrative Officer</td>
<td>South African</td>
<td>Ensure all administrative work is completed</td>
</tr>
</tbody>
</table>

Source: Made by authors from interviews.

SECTION IV. INTEGRATED ANALYSIS

Technology Transfer

Overall, the Chinese agro-technology transfer through the ATDCs proves to be beneficial to the local communities in the host countries. The training courses were designed by the Chinese agro-experts according to the specific needs of the different types of trainees, and tailored to the actual abilities of the latter due to the knowledge gap between the trainers and trainees. Moreover, the participation of the local partners helped overcome language barrier limitations, and improved the effects of the technology transfer. Also, from the feedback perspective, the farmer trainees, for instance, confirmed that the Chinese agro-techniques were useful and could
help increase the outputs, as seen in both the cases of Mozambique and South Africa.

Nevertheless, the impacts of the technology transfer are to some extent limited, mainly for three reasons. The first problem concerns the design of the training model. In both cases, the majority of the trainees are the smallholder farmers. This is surely sensible in that by transferring farming techniques to the actual agricultural producers, it would have the most direct results. However, the potential benefits are reduced, both in quality and quantity terms, as the technology transfer is largely not connected to the host country’s agro-technology extension system. Indeed, by training more local agro-extension officers, they could better digest the Chinese techniques given their professional backgrounds and have a greater impact on disseminating the information to farmers due to the elimination of communication barriers (between the extension officers and local farmers) and the links to their broader extension networks, including follow-up extension and support services.

In the case of South Africa, there were a handful of local extension officers and technicians trained at the centre who turned out to play a positive role in coordinating the technology transfer between the Chinese and local farmers. In contrast, in Mozambique, where a long-standing national agricultural extension system does exist, the Chinese ATDC did not seem to be linked to an extension system in any meaningful way. This is because no extension officers had been involved in the training (Interview, 14 Nov 2013), and even the ‘agro-technicians’ who received the training were mostly office staff without a mandate to work in the fields (Interview, 18 Oct 2013). The detachment with the country’s extension systems implies that the effects the centre has might be only moderate and less durable, despite the fact that hundreds of small farmers were being trained each year.

Another problem concerns the post-training application. Even if the technology transfer process per se could be successful, it may not necessarily change the livelihood of the farmers, unless they have enabling environment whereby they can put the techniques into application. In Mozambique, although we did not manage to interview the farmer trainees of the ATDC (as they were scattered all over the country), a reference example of anoth-
er Chinese firm engaged in transferring Chinese rice-farming techniques to the locals, can be provided. In this case, the techniques taught by the Chinese experts could not be implemented due to a lack of tools and irrigation equipment, thus the training courses had no sustainable effects on the farmers’ livelihood (Interview, 18 Nov 2013). Similarly, in the case of South Africa, the heating systems on the six government-backed fish farms, which were fundamental to apply the techniques that were taught, were left broken for months, causing stunted growth of the fish and reduced profits (Interview, 30 Jan 2015-c).

A potential challenge also lies in the different farming cultures. It takes time for the African smallholder farmers to learn and get used to the Chinese/Asian way of intensive cultivation that emanates from the land constraints in the region (Interview, 18 Oct 2013). Furthermore, it could be difficult for the African farmers, who are used to an extensive way of farming, to stick to the more technically demanding and more time-consuming Chinese techniques on their own, reducing the potential effects of the technology transfer\(^{14}\).

Although the ‘research’ aspect of the technology transfer is not treated as the main focus of the ATDCs, there are still some problems worth noting. Take the seed testing for example, while the selected, more productive seed varieties would be able to increase the outputs, the suitability of those varieties to the local taste seemed to be neglected. This is the case in both ATDCs: in Mozambique where the seed testing was largely restricted to Chinese varieties due to the unavailability of local seeds, and in the South African case where the market for freshwater fish was relatively small and specialized.

**Business Introduction**

As seen in the cases of Mozambique and South Africa, apart from performing the core function of agro-technology transfer, both centres had started or planned to start market-oriented production activities. This can be seen as a form of business introduction, although the primary pur-

\(^{14}\) The dilapidation of the Chinese-aided farms in Sierra Leone during the 1970-80s provides a vivid illustration to this point (Bräutigam, 2009: 238).
The sustainability issue derives from China’s decades-long practice of agricultural aid on the continent. As has been widely observed by practitioners and scholars (Shi 1989; Cai 1992; Sun 1996; Zhou and Wang 1997; Yun 2000; Bräutigam, 2009), almost all the Chinese agro-aid projects cannot escape the following cycle: no matter how successful the initial period of
the project proved to be, once the Chinese experts left, the project would soon fall into disrepair\(^\text{15}\). In most cases, the reason for this resides in that the aid-recipient countries lacked the financial, managerial and technical capability to keep the projects going on their own (Shi 1989; Cai 1992; Sun 1996; Zhou and Wang 1997).

Against this background, the sustainability issue was brought to the fore in the designing process of the ATDCs (Xu and Qin 2011; Table 3). The emphasis on sustainability can be seen from the performance evaluation system of the ATDCs, in which the planning and realisation of sustainable development occupies 45% of the total scores, more than any other indicators.

**Table 3** Evaluation Indicators of the ATDC

<table>
<thead>
<tr>
<th>Diplomatic Influence</th>
<th>Improvement of the Agricultural Development and Food Security of the Host Country</th>
<th>Promotion of China’s “Agriculture Going-out and Inviting-in” Policy</th>
<th>Sustainable Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>15%</td>
<td>25%</td>
<td>15%</td>
<td>45%</td>
</tr>
</tbody>
</table>

Source: Made by the authors based on the Evaluation Plan of the ATDC (MOC and MOA 2012).

The prescription provided by the Chinese government to ensure a sustainable development of the ATDCs is to incorporate company actors and to run the Centres as a business (see ‘Mechanisms’ in Part I). Financially, by developing a market-oriented production, based on the ATDCs, it is expected that the profits earned could be used to finance the daily operations, including the realisation of the public-interest functions. In addition, the existence of the Chinese company would help maintain the managerial and technical sustainability. From what we have seen from the practice, however, this plan is not always achievable.

As shown in the Mozambican case, although it did make some business attempts, the centre was still not able to achieve financial independence simply by selling the agro-products. This is despite the fact that the production

\(^{15}\) Few exceptions exist, for instance, in Mali and Sierra Leone, where the Chinese-aided agro-projects during the early years are still operational now. However, in these two countries, the projects have been managed by the Chinese whereas the host governments act only as shareholders (Jiang, 2016).
costs had been lowered since the land, water and electricity were provided by the host country during the Technical Cooperation Stage (Interview, 14 Nov 2013). In fact, most of the ATDCs are having the similar constraints: limited land, capital and human resources. Therefore, it does not seem very likely that the ATDCs will be able to sustain themselves financially through business operation, particularly considering the current production scale.

In order to achieve financial independence, an expansion of investment inputs and thus production scale is necessary, either based on the Centre or a separate business outside the Centre. This, however, may face challenges on two fronts.

First, how likely is it that the bolt-on investment will be successful? The question then is translated into another issue about the feasibility and profitability of conducting agribusiness in Africa. The thorniest problem affecting Chinese agro-investors seems to be the financing of investment, given their usually limited self-owned capital and difficulties to raise money in China (Jiang, 2015). Even if they could manage to raise the required money, they would encounter a range of practical problems in the agro-investment process in Africa, such as land ownership, labour regulations, market channels, government efficiencies, and natural disasters, among others. According to existing and potential Chinese agro-investors in Mozambique, the difficulties in operating in Africa were far beyond their expectations before they came to the continent, and none of the existing investors have managed to make any profits to date after years of operation. This may cast some doubts on the prospect of the ATDCs’ commercial development in the host countries.

Second, even if the company could make good profits, to what extent would the company support the public-interest functions of the Centre financially? Although it is in essence the application of the PPP model in foreign aid area, or specifically government-company cooperation in the case of the Mozambique and South Africa ATDC, there has not been any concrete agreement between the Chinese government and companies, which clearly specifies each other’s rights and obligations. It is thus unrealistic to expect the company actors to willingly and automatically fulfil the general public-interest functions of the ATDCs, especially given the generally
low profit margins. This leaves the situation uncertain as to whether the public-interest functions of the ATDCs would be fully performed in the Business Operation Stage as the designers hoped; or, whether it is likely that these aid-nature functions will gradually diminish while the ATDCs themselves transform into a pure commercial project in the future.

What could be done, then, if the original plan does not seem to be working? Potentially, the Chinese government could continue to fund the project, although it is obviously against the initial intentions of the ATDC design. Alternatively, a co-financing model could be adopted, whereby the Chinese government will still provide aid grants while the company makes up the rest through business expansion. The Mozambican ATDC, for instance, seems likely to take this solution (Interview, 29 Dec 2014-b).

In terms of managerial and technical sustainability, while the immediate danger of project failure does seem to be mitigated with the continuing stay of the Chinese team, potential problems are still visible. For instance, the lack of effective participation of the local partners in the daily management of the ATDCs (as seen in the Mozambican case), compounded by the typical Chinese-dominated structure of management (as seen in the South African case), generates the risk of leaving the local partners incapable of operating the Centres independently. Technically, the overwhelmingly farmer-centred training model also makes it less likely for the local agro-technicians to conduct the extension of Chinese farming techniques on their own.

SECTION V: CONCLUSION AND POLICY RECOMMENDATIONS

This paper has sought to investigate the objectives, modalities (actors and mechanisms) and actual operations of Chinese Agriculture Technology Demonstration Centres in Africa. Based on the cases of Mozambique and South Africa, the main findings are the following:

(1) The agro-technology transfer is beneficial but to a limited extent, which can be seen, for instance, in the training model, post-training appli-
cation and different farming cultures. (2) The commercial aim of business introduction has been largely achieved: A number of Chinese agro-firms, predominantly the project-implementing companies, have made use of the ATDCs as an investment platform into African countries and initiated/planned their agribusiness either based on or separate from the Centres. (3) Project sustainability is still a concern within the renewed aid structure. The ATDCs do not seem capable of achieving financial independence once the start-up capital is depleted. While the managerial and technical sustainability seems relatively less urgent, there is still the potential risk of handover failure if the Chinese implementing agents pull out prematurely.

The problems observed above can be largely explained by two aspects. First, the drawbacks of the ATDCs stem from a policy design point of view. For instance, while the multi-objectives (diplomatic/commercial/sustainable) of the ATDCs call for a more detailed and delicately designed action plan, the existing policy (e.g. ATDC Guidance) is deficient in specificity. Particularly pertinent to the point is the design of the Business Operation Stage, which is supposed to be the most innovative part of this new ATDC project but in reality has been full of ambiguities and uncertainties. In addition, full consideration of local conditions and adequate feasibility studies seem to be lacking in certain instances, as seen by the post-training application and farming cultural difference problems as well as the economically unviable prospect of the Business Operation Stage. Moreover, the government-company cooperation model remains unstructured, with the responsibilities and rights of the stakeholders largely unclear and thus a lack of effective control of the state over the companies in implementing a government aid project.

Second, bilateral interactions, both in terms of project planning and implementation, between the Chinese government/company actors and their African counterparts seems to be ineffective. It is almost impossible to devise a perfect policy before implementation; and even if it is possible, a given policy would still need to be adapted to the complex and ever-changing implementation environments – and this is where bilateral interactions may play a significant role. The detachment of the technology transfer from the host countries’ broader extension systems and the seed-variety selection
issue, among others, all point to a lack of effective communications between the two sides. The sustainability problem can also be partially attributed to the lack of adequate participation of the local actors in the daily operation as well as the deficiency of joint efforts between the two governments in making plans for the ATDCs’ future development.

Based on the observations and analyses above, a few policy recommendations for improving the ATDC performances could be provided. (1) The Chinese government may need to develop a more detailed and feasible action plans for the ATDCs’ Business Operation Stage. It would be particularly helpful to examine a number of ATDCs that have already made their initial business attempts during the Technical Cooperation Stage, specifying the objective constraints and learning from the previous experiences. (2) A more solid arrangement as to the government-company cooperation model needs to be initiated, with a view to institutionalizing the companies’ obligations in delivering government aid projects as well as the supportive measures that are meant to be taken by the government. (3) All through the planning and implementation of the ATDC project the Chinese government should encourage an active participation of their local African counterparts in the process, and make concrete measures to facilitate, for instance, a gradual change from the Chinese-dominated management model into a more co-operative or localized management model.

There are several limitations to this research. First, the comparative cases share the Chinese as instigating agent but the social and legal environments in Mozambique and South Africa are distinctively different; and while we account implicitly for this, we did not focus exclusively on these factors. In addition, we have attempted to draw some general trends from our case studies, but surely, only two cases cannot cover the complex dynamics of the Chinese ATDCs on the continent. While we did reference to other ATDCs and conduct preliminary research on them, the depth of that research is limited and thus we may have omitted important aspects – merits or demerits – of the ATDCs. The authors have tried to continue and improve the research by incorporating more empirical cases, and also

16 Mostly based on secondary data and a few of them on informal interviews.
linking it closer to the theoretical debates in the circle of Public Policy and International Development.

In sum, the ATDC project has demonstrated a real effort of the Chinese government trying to deliver its agro-aid pledges in Africa in the FOCAC era (since the 2000s), and with a particular concern as to avoiding problems experienced in China’s earlier agro-aid practice (1960-90s). Yet, given the difficulties identified in this paper, it remains to be seen to what extent this new programme could be able to overcome ‘old problems’ and thus virtually benefit the recipient countries. It’s a promising sign for China, as an emerging power/donor, to start engaging with international development in a more active manner, but much still needs to be done to make this ‘new business of development’ work and possibly lead to a true win-win scenario.

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White Zimbabwe farmers and land grabbing in Shonga of Central Nigeria: development or dispossession?

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One of the features of the debate about global land grabbing appears to be the scale of dispossession that characterizes land deals. The social class relations that agricultural modernization has generated are important for land dispossession. The World Bank has always viewed international capital’s interest in Africa’s land from the perspective of the benefits that accrue from sales, leases, new cropping patterns and development.

However, the investment in African farmlands by international financial capital may have created false expectations as rural enclosures lead to dispossession of farmers of their land and the benefits. In Nigeria, farmlands initially totalling 13,000 hectares were acquired in Shonga District of Kwara State in central Nigeria for white Zimbabwean commercial farmers by the state government. The government gave spectacular support to the white Zimbabwean farmers to succeed, in its attempt to revolutionise agriculture, but the same privileges were not extended to the local farmers who were dispossessed of their farmlands. The process of the large scale farm lands acquisition is examined in this paper, focusing, particularly, on its impact over agrarian development. The study is based largely on data and relevant information generated both through field and desk work. Secondary data sources such as research papers related to the study were analysed in collaboration with the field work, which focused on the activities of the White Zimbabwean farmers. This was done in an attempt to understand whether the land deal amounted to development or dispossession.
INTRODUCTION

In the last few years, the convergence of global crises in finance, food and fuel has driven a revaluation of land ownership. The dramatic rise in land acquisitions is anchored on three main drivers, reflected in the term, ‘the triple-F crisis’: food, fuel and finance (Arezki, Deininger and Selod, 2015; Cotula, 2012; Zoomers, 2010). Powerful transnational and national economic actors are angling for land often in distant countries that can serve as sites for fuel and food production, and finance portfolio for their needs back at home. The pace and extent of these land deals has been rapid and widespread, a situation that has now become the case of “possession by dispossession” (Amin, 2011; GRAIN 2008).

Historically, governments and agencies like the World Bank Agricultural Development Projects (ADP) have attempted a wholesale transformation of rural communities through community-wide agricultural development projects or dams and irrigation systems based on an entire catchment basin (Ika, Diallo and Thuillier, 2012; GRAIN, 2010). The same strategic focus on commercial farming informs national policy on agriculture in Nigeria. The policy notes that Nigeria imports annually US$1,417.5 million worth of livestock, $400 million of dairy products, $987 million of fisheries, $267 million of rice, $640 million of sugar cane, $102 million of wheat, and $50 million of tomatoes (Mustapha, 2011). It is this situation that provided the excuse for the Kwara State government under the leadership of the then governor, Bukola Saraki, to invite white Zimbabwean farmers to establish commercial agriculture in Nigeria so that imports can be reduced.

The invitation of white Zimbabwean commercial farmers to Nigeria was thus anchored on the government policy to develop commercial agriculture as the traditional peasant farming was thought to be insufficient circumscribed to meet the food needs of the increasing population. The Kwara State Government therefore invoked the provisions of the 1978 Land Use Act to appropriate an initial 13,000 hectares of land from the local farmers in Shonga District, and allocated same to the Zimbabwean farmers for commercial farming. Government officials were quick to explain the acquisition of the land for the foreign farmers on the ground that it would lead to
agricultural development. Specifically, it was claimed that it has advantages such as: increasing the foreign earnings of the country; creating job opportunities; providing infrastructures (health posts, schools, water supply, power supply, roads, among others.) for the local community; promoting technology transfer, agriculture modernization, and rural transformation, which will lead to food sovereignty and economic development. Theoretically, these claimed benefits seem acceptable, but facts and media reports indicate that most of the aforementioned benefits have not been achieved so far. There are no clearly observable economic and development gains recorded, especially at the local level. Thus, there are gaps between the land deal policy and actual benefits. This paper questions the acquisition of Shonga farmlands for the Zimbabwean commercial farmers to understand if it amounted to development or dispossession.

DEVELOPMENTS IN LARGE SCALE LAND ACQUISITION IN NIGERIA

Land has been the most important factor in Nigerian traditional economic system and livelihood. The centrality of land to the people can be appreciated in the land tenure system that developed in the nature of the pattern of settlements. The earliest form of land tenure system began with the acquisition of land rights by the clearing of bushes for settlements and farming. The heads of the settlements naturally explored and claimed ownership of land within the vicinity of their homesteads. Efforts were made to ensure that settlements were free from trespassing and attack or invasion by enemies. The heads of the families made sure that farming, hunting and fishing members of their communities had enough land for their economic activities. Beside the economic importance of land to the people, it occupies

1 In answering this question, the trajectory of the Shonga land deal would be critically examined against the general background of global land grab development in Nigeria so as to understand if land grabbing in sub-Saharan Africa is something contrived by transnational and African states to disposes “powerless” and gullible people of their land (Ariyo and Mortimore, 2011; Liversage, 2010; Gouverneur, 2009; Von Braun and Meinzen-Dick, 2009; Cotula, L., et al. 2009; GRAIN, 2009; Cotula, and Vermeulen, 2008; Nyari, 2008; Forrest, 1993).
both political and religious space as it is sometimes venerated through the worship of its deities for increased productivity. It is in this sense that land related issues sometimes degenerate into violent conflicts (Obiorah, 2008).

Since most peasants in Nigeria live in the rural areas and are engaged in farming as small producers, policy on land usage for farming affects them significantly. In the wake of capitalist penetration of the Nigerian rural economy, the land question has been at the forefront and the peasants have responded with revolts in some cases where their livelihoods were threatened. For example, there were peasant unrests at Iseyin-Okeho in 1916 and at Egba in 1918 over land related issues. Similarly, in 1921, Herbert Macaulay passionately led protests in Lagos over land issues (Bull, 1964). Specifically, Macaulay made a legal protest in 1922 on behalf of a Lagos chief whose land was forcefully appropriated for government purposes by the colonial government. The case went as far as the highest court in England, and the land was returned to the chief (Bull, 1964).

In post-colonial Nigeria, the Bakolori large-scale land acquisition in the 1980s remained the most significant historical case of land grab before the emergence of the current wave of global land grabbing. Bakolori is a village in northern Nigeria, which was seasonally flooded with the Sokoto River and suitable for all-year-round cultivation (Yahaya, 2002). The village had vast hectares of land used for farming by the peasants, however, the government decided to embark on irrigation farming on this land through the construction of a dam. One of the first effects of the Bakolori project was that the farmers were dispossessed of their farmlands. The dispossession left about 13,000 farm families located in the flooded Bakolori reservoir area as landless peasants (Momoh, 1996). Besides losing their farmlands to the Bakolori project, the farmers had no suitable alternative agricultural land in their immediate surrounding which they could farm. The situation was made more difficult when the state and the multinational interests failed to articulate the interests of the peasants in the project’s programme, especially on issues relating to resettlements, compensations for damaged crops, and access to land and food security. This situation is not too different from the current wave of land grabbing.
The new wave of global land grabbing was pioneered in Nigeria by the white Zimbabwean farmers, details of which is the focus of this paper. Beside the white Zimbabwean farmers land deal, one of the notable land deals for food production in Nigeria was the one involving Olam International, which invested US$49.2 million in its first rice farming and milling facility mainly in the middle belt zone of Nigeria. For example, the firm acquired 6,000 hectares farmland in Nasarawa state, one of Nigeria’s main rice growing belts and expected to produce 36,000 tonnes of milled rice annually at its peak. Payments were not made for the acquired land as the government claimed it was for development. Although it was claimed that Olam agri-business would set up distributors and dealers across the country in order to sell its products domestically, it has emerged that most of its products were either exported or sold to multinational firms in Nigeria as raw materials (Business Times, 2011). The operation of Olam in Nigeria therefore did not take into consideration the food needs of Nigerians.

Similarly, a United States firm, Dominion Farms, acquired 30,000 hectares of swampy land in Gassol Local Government of Taraba State for commercial rice farming without paying for the land. The firm invested an initial US$40 million for the production of rice, but did not pay for the 30,000 hectares of land (Chukwudebelu, Igwe and Madukasi, 2015). The manner of the land deal that failed to accommodate the interests of the indigenous owners and users has started generating protests from the rural farmers in the area. Land deals are often facilitated by the governments or their agencies at the expense of the people and food security because those in government may have direct or indirect interests in the outcomes of the deals. Dispossessing farmers of land and limiting their access to it has therefore become one of the ways that the Nigerian governments in collusion with foreign agribusiness has failed to demonstrate commitment to food security.

In almost a decade of global financial recession, there have been highly publicised large-scale land deals for agro-fuels production in Nigeria as in other African countries already known for agro-fuels regime (NNPC, 2008). Agro-fuels projects raise prospects of large benefits for investors and recipient countries, but also carry the threat of dispossession of land and natural resources from the poor people who depend on them for their live-
lihoods. Several hectares of land have been appropriated from vulnerable rural people for agro-fuels production across the country (Attah, 2013d). Besides, some lands under food crop production have been converted to the production of jatropha through government incentives such as hybrid seeds and guaranteed market for agro-fuels based crops. Recognising the opportunities for agro-fuels production, the Nigerian state through the Nigeria National Petroleum Corporation (NNPC) has been attracting both foreign and domestic investors into large-scale land deals for the production of agro-fuels feedstock in Nigeria.

Contiguous locations for the agro-fuels projects have been secured from local and state authorities and detailed feasibility studies initiated with international experts and public institutions. For example, one of the feasibility studies at the targeted lands was supported with a grant of €70 000 from the Germany’s Renewable Energy and Energy Efficiency Partnership (NNPC, 2007). There are ongoing agro-fuels based sugar cane plantations located in Kupto (Gombe State), Buruku and Agasha (both in Benue state) and Kwali in the Federal capital Territory. Cultivation is on a scale of land greater than 15,000-20,000 hectares to produce 1.8 million tons of sugar cane to yield 75 million litres of ethanol per year (NNPC n.d., IREC, 2007). In the case of Kupto, many rice and maize farmers were forced off their land. Besides, the project in Kupto has raised concerns over pesticide use and the impact on surrounding farmlands (Abdullahi, 2008).

The Federal Government and its partners also acquired 15,000 hectares of land for integrated cassava plantations and Ethanol Plants at Ebenebe and Ugbaru communities in Awka North Local Government Area of Anambra state at the cost of over $300 million. It is expected that the plants would produce about 200,000 litres of ethanol fuel through cassava annually (Odogwu, 2012). The 15,000 hectares of land was acquired from the two communities with the explanation that the project would lead to development as well as create jobs. Following the general pattern of land grabbing in Nigeria, the dispossessed communities were neither paid nor compensated for the land. A Memorandum of Understanding (MOU) was also signed with the Ondo state government to establish cassava ethanol project for
agro-fuels on a 15,000 hectare of land. The land for this project was originally a forest reserve in Okeluse in Ose Local Government Area of Ondo State. Kogi State government under the administration of former governor Ibrahim Idris also signed a Memorandum of Understanding (MOU) with CSECC International division from China for the establishment of an agro-fuels refinery on 450 hectares of land in Itobe, Kogi State (Maritz, 2008). The total cost of the project is in the region of US$12m with production target of 1,876,000 litres of biodiesel for the first year (Maritz, 2008).

Similarly, 31,000 hectares of land was acquired in Odogwu, Kogi State for the construction of an ultra-modern sugar factory. The sugar factory worth US$510 million is a partnership deal between the Kogi State Government and International Trans Oil Corporation of USA, expected to produce about 87 million litres of ethanol for agro-fuels annually (Aruwa, 2011). The agreement did not provide for compensation to the peasant farmers that were dispossessed of their land, neither did it provide any alternative land for the people. However, Kogi State Government promised that the project will generate about 400 jobs, but the promise is yet to be fulfilled (Aruwa, 2011). The dispossession of vulnerable farmers of cultivable land with the explanation that its conversion to agro-fuels represents development for them is a remarkable construction to justify the process of expropriation. Expropriation of land for agro-fuels as cited here foretells difficulty for the peasant farmers in accessing arable land necessary for food security.

While there is a perception that land is abundant, the claim needs to be treated with caution. In many cases, land is already under use – yet existing land uses and claims go unrecognised because land users are marginalised from formal land rights. Ownership of land can be a complex and contentious issue sometimes, especially in countries where there is no formal means of land registration. In most cases, land deals are carried out without the involvement of the communities. However, in some situations, community leaders are consulted on land acquisitions and may agree to the land transfer in exchange for promises of job opportunities, improved facilities and compensations. In Nigeria, reports have suggested that the government most of the times failed to make formal consultations with the communities
whose lands have been acquired (Abdullahi, 2008). The key issue is that the rights of individuals who depend on the land are often overlooked. As much of the rural population in Nigeria depends on land for their livelihoods and food security, loss of land has negative impacts on local people and Nigerian food security that largely depends on peasant production.

THE WHITE ZIMBABWEAN COMMERCIAL FARMERS AND LARGE SCALE LAND ACQUISITION

The White Zimbabwean farmers were the principal victims of the land redistribution process in Zimbabwe, which began gradually in 1980, but was fast-tracked in 2000 (Scoones, et.al, 2010). The fast-track exercise was marked by coercion and violence, a situation that caught global attention, particularly in the West. The land reform process consequently resulted in vast majority of the 4,500 white commercial farmers who were forced off the land to lose it to black commercial farmers (Moyo and Chambati, 2013). The land reforms were carried out by Mugabe government as part of the attempts to redistribute the wealth from the land, originally owned by the majority black Zimbabweans. However, the exercise became contentious and of international political concern. It was against this background that some countries from South America, Africa and the Russian Federation requested the displaced commercial farmers to relocate to their countries for commercial farming (Selby, 2006:33). In Africa, the governments of Botswana, Kenya, Malawi, Namibia, Tanzania, Mozambique, Zambia, and Nigeria attracted the Zimbabwean farmers because of their technical skills and capital (Mustapha, 2011). The white Zimbabwean farmers were thought to possess the needed capital and know-how, capable of transforming the agricultural sectors of these countries. Besides, it was believed that such foreign capital would bring about employment and food security. However, this is not the first time that African countries have attempted agrarian revolution through foreign capital (Ika, L.A., Diallo, A. and Thuillier, D., 2012).
In the bid to revolutionise agriculture in Kwara State, the former Governor, Bukola Saraki, invited some of the displaced white Zimbabwean farmers to invest in commercial agriculture in the state. In 2004, a five-man delegation drawn from the Commercial Farmers Unions of South Africa and Zimbabwe representing some of the displaced white Zimbabwean farmers honoured the invitation by the government for a one-week fact-finding visit to Kwara State. After the fact-finding mission, a Memorandum of Understanding (MOU) for the establishment of commercial farms was signed between the Kwara State government and the white Zimbabwean farmers. According to Ariyo and Mortimore (2011), the key aspects of the MOU committed the Kwara state government to provide suitable land to facilitate year-round farming through irrigation and access to funds, as well as assistance to the farming enterprises in obtaining from the federal authorities a pioneer status among other issues.

The Zimbabwean farmers were settled at Shonga, located at about 110 kilometres (68 miles) north of Ilorin, the Kwara State capital. The area lies in the Guinea Savannah, along the bank of the River Niger. The mean annual rainfall here is about 1,500mm, which is mostly between the months of March and October (Ariyo and Mortimore, 2011). The vast arable land, favourable climate and the presence of River Niger are veritable attractions for large scale commercial farming, necessary for the Zimbabwean farmers’ success. A total of 13,000 hectares of farmlands were initially appropriated by the State from the local farmers for the white Zimbabwean commercial farmers who began farming in 2005. The white Zimbabwean farmers were 13 in number and allocated 1,000 hectares each on a 25-year lease, in the first instance, and renewable thereafter, at no cost to them. In addition, 4,656 hectares were appropriated for collateral uses, arising from the advent of large scale commercial farming in the area. The appropriation of such large expanse of land restricted the area available for rotational bush falling; a main feature of the people’s farming system that depended less on chemical fertilisers. It also reduced land available to settled pastoralists as well as nomads to graze their livestock.
The land acquired was allocated to the Zimbabwean farmers as follows: Farms 1-12 and 17 (each of approximately 1,000 ha) were allocated to the commercial farmers. Farms 14 (596 ha) and 15 (619 ha) were set aside as ‘community model commercial farm sites’ to be allocated in units of 5 ha to youths from the locality, nominated by the Emir of Shonga. However, the youths were never allocated the designated land as proposed by the government and the Zimbabwean farmers. Farm16 (3,540 ha) was set aside for farmers whose lands were appropriated, but it was just about two-third of the land taken from the people (Ariyo and Mortimore, 2011). About 120 persons who applied for the land were granted some portion in Farm 16, which was grossly inadequate and not as fertile as the ones the local farmers lost to the white Zimbabwean farmers. Table 1 below shows the white Zimbabwean farms as at 2012.

In the wake of the Shonga land deal, the Fulani pastoralists in particular protested over grazing land and water rights for their cattle where the commercial farms were set up. The state government knowing the characteristic problem of violent conflict associated with the Fulani pastoralists and sedentary farming communities over grazing land in Nigeria, intervened by promising the pastoralists new land for their pastures (Obiorah, 2008; Mustapha, 2011). Beside the reactions from the Fulani pastoralists, two communities, namely, Dumagi and Faigi engaged in violent resistance against the dispossession as they claimed to have been excluded in the process of the land deal by the traditional authorities in Shonga (Olarewaju, 2013).

The land acquisition also precipitated conflict between the Shonga people and the people of Faigi and Dumeji. The latter accused the traditional ruler of Shonga of colluding with the state government in dispossessing Faigi and Dumeji of their land, while that of the central Shonga community was protected. The protest led to police crackdown on the people of Faigi in particular for daring to resist the acquisition of their land. The militarised response of the state against the dispossessed is typical of authoritarian regimes in the Third World countries, be it military or civilian. Beside the initial crackdown on the resisting peasants, the government established a police station in Shonga so as to forestall future violent protests. According
### Table 1 Large-Scale Farming Enterprise in Shonga

<table>
<thead>
<tr>
<th>Farm number</th>
<th>Farming enterprise, December, 2010 - January 2011</th>
<th>October 2011 - January 2012</th>
<th>Processing enterprises</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mixed farming- Poultry Soybeans, Maize, Bananas</td>
<td>Soybeans, Cassava, Sorghum</td>
<td>Feed mill and Chicken Abattoir– Valentine Chicken</td>
</tr>
<tr>
<td>4</td>
<td>Mixed farming- Poultry Soybeans, Maize, Bananas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Mixed farming- Poultry Soybeans, Maize, Cassava</td>
<td>Soybeans, Sorghum, Cassava</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Mixed farming- Poultry Soybeans, Maize</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Mixed farming- Dairying Soybeans, Maize, Sorghum, Cassava</td>
<td>Soybeans, Sorghum, Cassava</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Mixed farming- Dairying Cowpeas, Maize</td>
<td></td>
<td>Milk processing – Shonga Dairies</td>
</tr>
<tr>
<td>10</td>
<td>Mixed farming- Dairying Maize, Cassava</td>
<td>Maize, Cassava</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Mixed farming- Dairying Cowpeas, Maize</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Crops only: Soybeans, Maize, Rice</td>
<td>Sorghum, Maize, Rice</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Crops only: Soybeans, Maize, Cassava</td>
<td>Soybeans, Maize, Cassava</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Crops only: Cassava, Sorghum</td>
<td>Rice, Sorghum</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Crops only: Cassava</td>
<td>Cassava</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Crops only: Cassava</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Cassava</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Source:** Ariyo, J.A. and Mortimore, M. (2011)
to Mustapha (2011), the police station was provided with ‘15 motorcycles, a van, 10 mobile telephones, two electricity generators, and a monthly running cost of N20,000 in order to put the peasants under check.

THE WHITE ZIMBABWEAN FARMERS AND INVESTMENT IN AGRICULTURE

The activities of the white Zimbabwean commercial farmers have often been presented by the government as beneficial to the local population. However, this is contrary to the situation in Shonga as events later showed that most of the peasants lost out in the acquisition of their farmlands. The first challenge faced by the local farmers in Shonga as mentioned earlier was that the government used the powers of the 1978 Land Use Act to dispossess the indigenous users of their choice land along the River Niger. Though the Kwara state government claimed that the land allocated to the white Zimbabwean farmers were not under cultivation at the time, about 2,771 families were dispossessed and displaced to make way for the commercial farmers in Shonga (Odoemene, 2012).

The white Zimbabwean farmers, who were identified as possessing international finance and technical equipment and ability, became the bastion of a new agrarian class conceived by the government (Mustapha, 2011). In the beginning, the Zimbabwean farmers were cast as foreign investors with enormous capital capable of successfully financing the anticipated agrarian revolution in the state. However, the activities of the Zimbabwean farmers as they relate to finances showed that it was the Kwara state government that provided the needed capital, especially through loans and even mortgaging the monthly allocation of Kwara state government from the central government in the process (Mustapha, 2011, Odoemene, 2012). For example, the government initially provided each of the farmer US$250,000 loans, which was interest free and guaranteed a further private sector loan of US$250,000 to each of the farmers. The government also gave the Zimbabwean farmers a total of US$8.25 million in cash to facilitate agricultural production.
The State House of Assembly furthermore passed a resolution in March 2006, guaranteeing loans of US$5 million from the Nigerian Agricultural Cooperative and Rural Development Bank (NACRDB) to the commercial farmers (Ariyo and Mortimore, 2011; Mustapha, 2011; Odoemene, 2012). However, only 19 per cent of the loan was repaid as of 2009 (Mustapha). Both the farmers and the state government defaulted in their loan obligations to the NACRDB thereby prompting the Central Bank and the Federal Ministry of Finance to commence deduction of the loan from the Kwara state monthly statutory allocation. The situation has led to the suspicion that the commercial farmers may have been used for money laundering rather than agricultural revolution purported by the government. This suspicion is further given credence in the near collapse of the New Nigeria Farms in Shonga at the time of this research.

The state government under the administration of Bukola Saraki further pulled investors and funds together for the Zimbabwean farmers through a consortium of five Nigerian banks, namely, Platinum Habib Bank Plc, Guaranty Trust Bank Plc, First Inland Bank Plc, Intercontinental Bank Plc, and First Bank of Nigeria. These banks invested (US$6.6 million) as equity in the farms and advanced another (US$6.6 million) as loans to the Zimbabwean farmers (Ariyo and Mortimore, 2011; Mustapha, 2011). The consortium served to facilitate the involvement of the banks in the farms. The equity distribution of the New Nigerian Farms shows that the five banks held 45%, the Zimbabwean farmers 40% and the Kwara state government 15% (Ariyo and Mortimore, 2011). The government's equity share in the Zimbabwean farms was covered by the expenses on infrastructure and other financial commitments.

Beside the massive financial support for the Commercial farmers, which the indigenous farmers have often been excluded from in Nigerian agrarian history, the government also provided the Zimbabweans infrastructural amenities. Some of the facilities provided for the comfort of the farmers are network of farm roads, housing estate, boreholes for water supply, electricity and irrigation facilities. Mustapha (2011) summarises government's financial commitment to providing these infrastructural facilities thus:
The government invested over N400 million (US$2.6 million) on roads, housing, and electricity; each farmer received a bungalow of up to 2,500 square feet, complete with a generator, storage sheds, and fencing. N870 million (US$5.8 million) were spent on irrigation by the federal government while N1 billion (US$6.6 million) was provided for electrification.

It should be noted that peasant farmers in Nigeria rarely got the type of support that was given to the white Zimbabwean commercial farmers (Odoemene, 2012). The massive support usually given to foreigners in Nigerian agriculture as exemplified in the case of white Zimbabwean farmers, which have failed to lift food security, appear to have the mark of corruption.

Wages and remuneration of workers on the Zimbabwean farms were also critical issues that affected the peasants. Though the commercial farmers brought with them few black Zimbabwean farm workers, 90 per cent of the labour force was drawn from the local community. The labourers were paid between N290–N300 (US$1.88) per day without additional allowance such as food, health and leave. Beside the poor wages, the farm labourers had no job security and were treated by the commercial farmers as second class citizens in the apartheid fashion (Omoiya, 2014). The Shonga situation is yet another transnational agro-business as exemplified in Sierra Leone where local casual labourers were paid poor wages of about 10,000 Leones (USD 2.25) per day (Oakland Institute, 2011). The poor wages in these African countries are considerably less than those obtained in Asia and Latin America (Oakland Institute, 2011:14). It was argued that the dispossessed peasant farmers would benefit from the coming of the white Zimbabwean farmers. The government therefore planned that the peasants would be taught intensified methods of farming through the assistance of the commercial farmers thereby raising productivity and compensate for the loss of their land. Unfortunately, the new farming techniques were rarely taught to the farmers, not to talk of improving productivity or compensate for the loss of land.

Another issue of note was that the financial compensations approved by the government to be paid to the dispossessed were either not adequate or did not get to some of the affected peasants. Ariyo and Mortimore (2011)
noted that a total of US$58,000.00 was paid as compensations to 1,990 out of the 2,771 local people who were affected by the land dispossession in Shonga District of Kwara state. However, about 781 affected people were not paid compensations because the officials in the State Ministry of Agriculture and Natural Resources claimed that they were questionable. A monetised agricultural incentive packages amounting to (US$73.00) per hectare for land preparation was also paid to the affected people (Ariyo and Mortimore, 2011). The totality of the compensations paid cannot be said to have adequately covered the losses arising from the land dispossession. For example, several economically valuable trees such as sheanut and locust beans were destroyed, a situation that affected the local women who depended on them for their incomes.

**Table 2: Shonga Communities Affected by the Land Acquisition**

<table>
<thead>
<tr>
<th>Names of Communities</th>
<th>Number of people paid compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shonga town</td>
<td>524</td>
</tr>
<tr>
<td>Chita</td>
<td>252</td>
</tr>
<tr>
<td>Goro</td>
<td>151</td>
</tr>
<tr>
<td>Emidorogi</td>
<td>74</td>
</tr>
<tr>
<td>Todo</td>
<td>112</td>
</tr>
<tr>
<td>Zanzligigu</td>
<td>384</td>
</tr>
<tr>
<td>Chukaji Tafen</td>
<td>33</td>
</tr>
<tr>
<td>Chitakashi</td>
<td>48</td>
</tr>
<tr>
<td>Ogudu</td>
<td>64</td>
</tr>
<tr>
<td>Chita Boro</td>
<td>44</td>
</tr>
<tr>
<td>Saduko</td>
<td>112</td>
</tr>
<tr>
<td>Tsapata</td>
<td>63</td>
</tr>
<tr>
<td>Gboro Ndagbeyi</td>
<td>34</td>
</tr>
<tr>
<td>Gboro Patigi</td>
<td>31</td>
</tr>
<tr>
<td>Kpatako</td>
<td>64</td>
</tr>
<tr>
<td><strong>Total (15)</strong></td>
<td><strong>1990</strong></td>
</tr>
</tbody>
</table>

*Source: Kwara State Ministry of Agriculture and Natural Resources*
THE COMMERCIAL FARMS AND PRODUCTION

The white Zimbabwean farmers were organised into a farming enterprise known as Kwa-Zimbo Enterprises, but renamed Shonga Farms in 2008 and later New Nigeria farms in 2011. For operational purposes, the commercial farmers were reorganised into three syndicates, namely, dairy, poultry, and mixed-cropping. According to Mustapha (2011), the groupings represent 'the way eight semi-autonomous commodity associations of white farmers are affiliated to the umbrella CFU in Zimbabwe'. Whatever the groupings meant, they facilitated access to funds from banks and investors. The commercial farm (New Nigeria Farms) consists of sixteen enterprises, categorised as follows, thirteen farms, one milk processing plant (Shonga Dairies), one feed mill and chicken abattoir (Valentine Chicken), and one cassava processing plant (Shonga Fufu) (Ariyo, 2010). The dairy section had about 800 cattle, capable of processing about 5,000 litres of milk per day. The poultry department produces about 5,000 birds per day. The crop section was capable of producing 4,000 tons of cassava, 2,000 tons of rice, 2,000 tons of soya beans, and 100 tons of maize per annum (Mustapha, 2011). Lamentably, the products from the Zimbabwean commercial farmers were either exported or sold to multinational corporations in Nigeria thereby disregarding the imperatives of food security in Nigeria.

Out of the thirteen Zimbabwean farmers, four of them specialised in chicken production, with an integrated feed mill and abattoir (Valentine Chicken). The farmers were originally tobacco growers in Zimbabwe, but started out growing crops, such as maize, rice, cassava and soybeans. They however diversified into poultry farming later due to logistical and marketing constraints. Properly put, they diversified into poultry production as a result of profit consideration. In 2010, the farmers got their birds (Hubbard day-old chicks) from Ilemona, near Ilorin, but by December, 2011, the farmers began to procure their birds from a hatchery in Ibadan. The birds from Ibadan were two days more matured than those from Ilemona thereby saving the farmers nearly US$3,600 in feeds per batch (Ariyo and Mortimore 2011; Mustapha, 2011). The chickens were raised under very modern
conditions in a manner that they were table-ready much earlier than the usual six weeks broiler chickens.

The poultry farms began to produce broiler chicken in June, 2010 and by December, 2011, an average of 40,000 birds were slaughtered every month, and by 2012, it had increased to 100,000 per month. Despite the success of the Valentine Chicken, some of those displaced from the land now turned to labourers on the poultry farms had no direct benefit from the farms. For example, the birds were dressed for delivery to eateries in Lagos and Abuja at the expense of the immediate Shonga communities. Five more outlet chains in the cities were added to the existing ones in 2012 (Omoiya, 2014). Poultry farming was the most successful enterprise at Shonga, but the products were sold to the minority rich in the society, thereby excluding the majority dispossessed rural poor.

There are four dairy farms in Shonga and they depend on Jersey cattle imported from South Africa since 2008, on account of being more heat-tolerant than other known milk-producing breeds. Importing the Jersey cattle rather than improving the ones in Nigeria does not lead to development, but capital flight, a situation that failed to add value to the Nigerian economy as anticipated. Thus, there were no attempts to increase the quality of the domestic cattle through proper feeding and cross-breeding, a situation that would have benefited cattle production in Nigeria. Besides, the people’s staples such as maize, cowpeas, soybeans, sorghum and cassava were grown for the feeding of the cattle in Shonga, thereby negating food security in the country. Obviously, the white Zimbabweans farmers failed to take into consideration the heterogeneity in food production and consumption in Africa by using the people’ staples as feeds for animals (Maxwell, 2001).

Since 2008, the four dairy farms had a yearly average increase of 220 herds and 160 lactating cows. The average milk output per cow was in the order of 15-20 litres, per day. The four farms further established a milk processing plant named Shonga Dairies, which combined the milk from the dairy farms and the local cattle to produce fresh milk. Shonga Dairies entered into an agreement with the West African Milk Company (WAMCO), a subsidiary of Friesland Campina of Holland and a major importer of powdered milk and milk processor for the Nigerian market. This contrac-
tual agreement resulted in Shonga Dairies supplying WAMCO, on a regular basis, a specified quantity of fresh milk produced under very rigorous standards of international best practices of milk production. About 90% of the fresh milk produced in Shonga Dairies was supplied to WAMCO, thereby leaving 10% to be converted into yoghurt and pasteurised milk for local markets in Ilorin, Ibadan and Osogbo. Principally, the dairies farms had the multinational companies as their market targets, thereby having little or no linkages with the local economy and the rural people.

The crops cultivated include soybeans, cassava, maize, sorghum, and rice. While soybeans have done well and some expansion reported in 2011, maize was dropped by several farmers because of drought during the growing season. Between 2010 and 2011, Farmer 2 produced 350 tonnes of rice, 180 tonnes of sorghum and 120 tonnes of maize out of the projected 300 tonnes due to inadequate rainfall (Ariyo and Mortimore 2011; Mustapha, 2011). Farm 6 was devoted to the cultivation of cassava and soybeans, but attention was latter devoted to soya beans and maize production at the expense of cassava in 2011. Soya beans production increased from 300 tonnes in 2010 to about 500 tonnes in 2011 (Omoiya, 2014). Maize output was however, not so successful due to short spell of drought. On this account it was expected that the commercial farmers would have invested in irrigation systems, but failed to do so because the government with which they had an agreement could not provide the irrigation infrastructure.

Farmer 9 had farming experience in Zimbabwe with seed crops, soybeans, barley, peas and vegetables. He opted for maize and cassava production, but like other farmers, the maize failed. He therefore opted to growing only cassava, which he started with a minimum of 300 hectares to make a decent profit. By 2011 Farmer 9 had nearly 400 hectares of cassava ready for harvest. Since the overall motive of the Zimbabwean farmers was profit maximization, the targeted markets for the cassava were the biscuit companies rather than the local markets for food consumption. A situation like this failed to take into consideration the needed food security of the immediate communities that the government had always harped on.

By November, 2012 it was discovered that Farmers 2, 6, 7 and 11 had left Shonga due to unfavourable financial environment, which is imperative in
making large scale farming profitable. Though Farmer 9 and others in Shonga were able to sell their mature cassava at good prices, this did not stop Farmer 9 from leaving Shonga in February 2013. Farmer 9 left on the ground of lack of access to credit and non-completion of the promised irrigation infrastructure they had hoped would facilitate all year cropping and which made Shonga attractive in the first place. The whole commercial farm project did not show transparency on the part of both the government and the Zimbabwean farmers. The continual reliance on the government to provide finances and infrastructure to the commercial farmers is questionable as the same privileges are not granted to the local farmers by the government. As it stands today, the much talked about Zimbabwean farms in Shonga are gradually failing thereby leading to the assumption that the commercial farmers were agents of money laundering rather than agricultural revolution in Kwara State. If the Zimbabwean farmers were foreign investors as the government made the public to believe, they should have been able to import the needed capital instead of fleecing public funds through loans and infrastructure development in collusion with the government.

Contrary to the assumption that the farmers would inject foreign capital into the farms, by November, 2012, two dairy farmers (Farms 10 and 12) had left Shonga due to the failure to secure a long-awaited loan from the Central Bank for commercial agriculture. It would be recalled that the Zimbabwean farmers were invited to invest on agricultural development in Kwara State based on their expertise, but the situation in the Farms 10 and 12 shows that they failed to bring their expertise to manage the funds made available to them through the government. The question that must be asked here is: what happened to the loans secured for the farmers from the commercial banks and consortium of banks? Why wait for another loan when the previous loans have not been liquidated or accounted for? What happened to the money realised from the sales from the farms? No one was ready to provide answers to these questions, but it is clear that the Zimbabwean farmers’ project was not transparent and not development driven.
**CONCLUSION**

The trajectory of the White Zimbabwean farmers’ commercial agriculture project in Shonga, Kwara State failed to bring the anticipated agricultural revolution. Similarly, the Kwara state government that could neither provide nor guarantee credit facilities for local farmers, provided stupendous financial facilities in loans, loan guarantee and cash to the white Zimbabwean farmers (Mustapha, 2011). While the government supported the commercial farmers with the resources that belonged to the small-scale peasant farmers statutorily, the latter were impoverished with the same state instruments that were used to promote the white Zimbabwean farmers. Despite the huge financial resources deployed for the Zimbabwean farms by the government of Kwara State, the project cannot be regarded as a spectacular success as it failed to lift agriculture from what it used to be. The situation in Shonga has therefore become the case of “development of dispossession”.

The phenomenon of large-scale land deals in Nigeria with foreign counterparties, as in the case of the white Zimbabwean farmers in Shonga, represents the movement towards further emasculation of the peasants as long as they remain excluded from the allocation of agricultural resources. While land is locked in an embrace with foreign capital, the resort to production of food for foreign lands and to feed machines, thus becomes a false route to the solution of food security in Nigeria. The emergent large-scale land acquisition/commercial farming complex offers possibilities for profitable investments for foreign capital, but not agricultural development in Nigeria. The situation amounts to dispossession rather than development. The activities of the white Zimbabwean farmers represent the bankruptcy of a development paradigm and that of Nigerian leaders that have started accepting the logic of global land grabbing without weighing the unintended consequences.
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Soya bean expansion in Mozambique: exploring the inclusiveness and viability of soya business models as an alternative to the land grab

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Throughout the world, soya beans and seeds are typically cultivated in large plantations. The way plantations have been established are often discussed as what represent the ‘global land grab’. Little has been discussed, however, about how large plantations evolve as they interact with various actors at national and local levels. In Mozambique’s plateaus, the soya sector was initially inspired by the large-scale South American production and it showed characteristics of the land grab. At the same time, it has developed into new types of business models, from contract farming to sourcing, which integrate more than 10,000 smallholders in the value chain. This paper proposes to analyse the evolution of the soya sector in Mozambique, drawing on data collected from 160 households in Gurue district, in the province of Zambezia. It highlights how contract farming that is supposedly more ‘inclusive’ than the large-scale plantation had gone through a boom-and-bust cycle, as smallholders have accumulated experience to exercise their agency to deal with the market, investors and fellow producers and begun to exit from the business and sell their produce to the open market. This process reveals how smallholders have exercised their agency to reject the contract and developed the soya bean production as a part of local struggles that are simultaneously influenced by multi-scale land and agricultural development projects of civil society and external donors. The paper concludes that developing the capacities of governments at different levels to grasp such evolvement, as well as of smallholders to hold governments accountable for their experience, is vital to make current soya business models socially inclusive and economically viable.
INTRODUCTION

Foreign direct investment (FDI) flows have steadily increased worldwide since the mid-2000s. Sub-Saharan Africa witnessed the inflows of US$160 billion in 2012, eight times more than in 2002 (Brookings Institution, 2014). The increase is underpinned by, inter alia, the participation of new investors from emerging economies in the world production and trade systems, mainly China, Brazil and India, especially in the agribusiness sector (Cheru and Modi, 2013). Many recipient African countries in turn are embracing the new investors, as they aim to reduce aid-dependency and develop more market-oriented economies.

Mozambique hosts one of the fastest growing agricultural markets in the world (Hanlon and Smart, 2008; Di Matteo and Schoneveld 2016). After the end of the prolonged civil war in 1992, the country strived to expand commodities production and accelerate economic development by progressively increasing its use of foreign investors and international donors to recreate agricultural development projects. The agricultural development projects, which had been shaped during Mozambique’s post-independent socialist state-building, are increasingly exposed to private sector involvement – supported by active governmental promotion (MINAG, 2011) – that seeks large tracts of land concessions. As all the land in Mozambique is ‘public’, spared for the country’s population, who are in majority small farmers, the increasing private concessions are seen as the typical case of land grabbing that works to squeeze out small-scale poor farmers from their land (see Nhantumbo and Salomão 2010, and Borras et al., 2011, for examples of the country’s attempts to expand sugarcane plantations for biofuel production).

Recently, the debates on land grabbing are highlighting the nature of particular crops, such as sugarcane and soya beans, as ‘flex’ crops that work to facilitate the grabbing process. Flex crops are those that can be used for food, feed, and fuel production and that are planted in a large scale monoculture as typically seen in South America, and because food is integrated into the feed and fuel markets, they can have significant impacts on local food security and quality (Gillon, 2016). At the same time, little is still known about flex crops impacts at the micro-level and how they interact
with social relations, capital accumulation and power relations (Borras et al., 2015).

In particular, flex crop development typically uses contract farming in order to include smallholders into their business operation to make the business more inclusive (Hall, 2011; Robertson and Pinstrup-Andersen, 2010). At the same time, the process by which the contracted farmers experience integration into new cash-based production systems and come to exercise their agency to optimize benefits remains unclear. This paper aims to explore how the farmers are included in and also eventually excluded from this business model and reshape the soya bean sector in central Mozambique, which has been involving extensive agrarian and landscape transformations through the integration of more than 10,000 smallholders over the last decade.

More specifically, the paper traces, chronologically, smallholder adoption pathways in three phases including how contract farming emerged and declined. It pays particular attention to the role of associations and the international donor community in Gurue district in the province of Zambezia. It elaborates on a case study of the smallholders’ experience, using data collected during three months of field research in 2015 that involved 160 household surveys and interviews with key stakeholders. The principal questions are: what factors have contributed to processes of inclusion and exclusion in the soy sector? And, how have smallholders and support organizations shaped sector development trajectories?

The paper finds that small producers in Gurue had not meekly gotten their land grabbed or had not been subordinated to the contracts given by the buyers, as often indicated in the previous critiques of flex cropping or contract farming. It instead shows that because they experienced contract farming they were able to reject it and embed their soya bean production in their everyday management of livelihoods. The embeddedness led them to make different demands in relation to their membership with smallholder association groups directly involved in contract farming, and to available markets that they deal with at the independent farm level. The paper concludes that while individual farmers are naturally embedded in multi-scale
land and agricultural development policies, they are also exercising their agency.

In what follows, the paper first reviews debates on land grabbing and contract farming in recent years to highlight the importance of looking into local populations’ agency – that is, the capacity to make a difference or ‘to act otherwise’ (Giddens, 1984) and to make their own lived - in places by interacting with political processes related to soy expansion at various scales (Pierce et al., 2011). The review is followed by the introduction of the methodology and then a case study of smallholders who have accumulated experiences in soya bean farming in Gurue. The paper concludes by listing specific policy recommendations to make current soya bean expansion genuinely beneficial to the well-being of smallholders.

I. FLEX CROP EXPANSION, CONTRACT FARMING, AND INCLUSIVE BUSINESS DEVELOPMENT

The phenomenon that came to be called land grabbing in the late 2000s created a ‘hype’ among academics and development professionals as well as activists who question the development contributions of the large-scale purchase or lease of farmland in developing countries by foreign investors (Kaag and Zoomers, 2014). The foreign investors, usually in collaboration with national governments, often acquire land through dispossession of smallholders (Schoneveld, 2013). Even if physical displacement does not occur, resultant landscape transformations have been known to bring profound adverse impacts to smallholders who make their living in relation to ‘enclosures’ that are produced by these large-scale investments in which selective capital inflows and outflows fail to benefit local livelihoods (Ferguson, 2006; Li, 2014).

The rise of flex crops has accelerated landscape transformations and changed smallholders’ relationship with the places in which livelihoods are organized (Borras et al., 2015). In combination with the concerns for climate change mitigation, the large-scale land deals came to be justified for
fuel production in addition to food production, and sugarcane or soya bean productions became especially attractive to investors. Large-scale soya bean plantations are especially justified, not only for the production of biodiesel, but also for livestock feed and human consumption.

In practice, efforts to enhance the potential development relevance of large land deals and flex cropping exist. In principle, these efforts are materialised as arguments for the increased employment opportunities, commercialisation opportunities, macro-economic growth and increased productivity, which are increasingly termed ‘inclusive business models’ (German et al., 2013). For example, the World Bank have outlined codes of conduct and forms of global governance to ensure the inclusivity of land deals and to prevent local communities from losing their land (De Schutter, 2011), and one of these codes emphasises the need to involve the local population in the business processes. One method to include the local farmer in the process is contract farming.

Contract farming itself is not a new concept. It has been widely practiced throughout the world but in particular in southern Africa since the 1970s (Glover, 1990). During the 1980s and 1990s, it started to be even more widely practiced to boost agricultural exports of high value cash crops and accumulate capital in the countryside. This widespread practice led to industrialisation of agriculture within contracted spaces and the elimination of what is often considered to be inefficient and low-yield subsistence farming by small-scale farmers (Little and Watts, 1994).

What is new about contract farming in situations such as flex crop expansion and the recent capital accumulation is that production of biofuel or chicken feeds – that require large tracts of land – may require little manual or only seasonal labour, particularly in the soya sector. Consequently, flex crop production in Mozambique has been diverted away from the vision of smallholder inclusion (Hall, 2011). Nonetheless, contract farming persists as an inclusive business model, which aims to establish “an agricultural production system carried out according to an agreement between a buyer and farmers…and conditions for the production and marketing of a farm product or products” (FAO, 2012: 1). This agreement is ideally understood
as a way of sharing the value creation among those who participate in the contract farming (Veldwisch, 2015).

At the same time, the concept of inclusiveness attached to contract farming usually considers how investors should include local populations in their investment projects as a starting point, in the form of ‘productive employment’ and ‘inclusive growth’ planning (Szirmai et al. 2013; OECD/WTO 2015). This inclusion is supposedly beneficial to the producers who need to increase access to markets and inputs, and to the buyers who need to ensure stable supply sources to generate economies of scale (FAO, 2012). Yet, there are works raising doubts on whether benefits are being seized by already better-off landowners; and that employment conditions remain underpaid and temporary (Hall et al., 2015). Thus, there is an emerging understanding that the contract farming and its inclusiveness could rather be endorsing the underlying inequality that has produced impoverished smallholders in the first place – although the literature still lacks empirical works to substantiate these claims.

While the inclusivity of flex crop contract farming is an important topic of enquiry, the agency of the various actors who are involved in this process deserves particular attention, since this strongly shapes the social organisation that drives processes of exclusion and inclusion. After all, contract farming creates ‘nodes of relationships’ between transnational and national investors, the government at all levels, and local communities (e.g. Massey, 2004); and leads to open ‘rooms for manoeuvre’ as farmers experience these relationships (Clay and Schaffer, 1984). What are the experiences of contracted farmers or those who decide not to go under contract in the process of crop expansion? What have they done along the way and how have their experiences affected the very modalities of contract farming and the ‘inclusive’ business models?

Previous studies on land governance have shown that any process of official territorialisation, including land grabbing, affects and is simultaneously affected by local struggles (Otsuki, 2013). The dialectic interaction between the official demarcation and local struggles potentially rearranges social and power relationships and creates a new space for change in which individuals and groups reflexively claim their rights to be included “in so-
cial, economic and political life” (Beall and Piron, 2005: 8). This is not the usual invited space where investors outline terms of inclusion for poor people; it is a space where people are supposed to freely negotiate their terms of collaborating with investors or where people decide not to collaborate with investors at all.

II. THE CASE OF GURUE DISTRICT

In what follows, we trace how contract farming and the experiences of the contract farmers evolved in Gurue. Following a description of the study’s methods, we analyse soya expansion processes in the district and how different business models to commercialize the sector evolved. The boom and bust processes experienced by soy contract farming are examined, including farmers’ own interpretations of this process.

Methodology

To understand the evolution of soya expansion and contract farming, three months of field research were conducted in four areas in Gurue district. The district was chosen for its large concentration of soya smallholder producers. According to TechnoServe, a US-based non-profit organization developing business solutions in Mozambique, Gurue has approximately 4,000 soya bean farmers against 10,000 in the province and 19,000 in the country. Lioma, Tetete and Magige localities (administrative division in Mozambique) were chosen for their relevance in Gurue’s soya production system. A total of 160 household questionnaires were collected, using CIFOR’s LIFFE project (Large-scale Investments in Food, Fiber and Energy) methodology that includes interviews and focus group discussions with relevant stakeholders, such as smallholders, associations, investors, governmental officers, among others. Among these questionnaires, 60 provided information on non-participant households, that is, the households who have stopped production for more than two years or have never produced soya. Questions were generally about the inclusion criteria for soya associations, about
whether the households had produced soya before, and about conditions for starting producing, besides general household and employment characteristics. Questions were also about the reasons for not producing soya or having stopped production. Additionally, focus groups discussions were conducted with more than 20 local and provincial governments, community authorities, producer forums and associations, civil society and investors to obtain information on the existing policies and institutional constraints.

Important limitations of the analysis, however, are that the sample size does not allow extrapolations for the whole district. It does allow inferences about the configuration of the situation, especially in terms of access to inputs, reasons for not producing soya, and inclusion criteria in associations under the Federation. In addition, the numerous focus groups discussions and interviews with key stakeholders substantiate the results found through sampling.

**Soya expansion in Gurue**

The cultivation of soya bean began in the 1980s when the country’s socialist regime looked to develop state farms throughout the country. The centre of soya bean production was in the administrative post of Lioma, within the district of Gurue, on the Zambezia plateau. The state farm, Agricultural Complex of Lioma (CAPEL), planted, among other crops, between 400 and 500 non-irrigated hectares of soya bean, with technical assistance from Brazilian development cooperation. This project failed when the widespread armed clashes of the Civil War reached Lioma. The Civil War ended in 1992, but soya bean production in Mozambique would not resume until the early 2000s.

In 1997, Mozambique passed a new Land Law, declaring all land as public land and that should be used for the benefits of local communities. At the same time, failed state farms such as CAPEL were being re-occupied by small and medium sized farmers, and development NGOs were very active in their involvement to promote food and nutrition security. In the early 2000s, the international NGO, World Vision, introduced soya bean production in the region as part of a project to enhance nutrition and food security
of children. The project encouraged women in all the districts of the province of Zambezia to learn how to make soya porridge for their children; and helped smallholders to organise themselves into associations and cooperatives. With the incipient and successful dissemination of soya production, other international non-profit organization as well as the government and the private sector began to recognize opportunities to commercialize soya bean production in order to contribute to poverty alleviation and to facilitate market access for smallholders in the region. New varieties of soya were bred by the International Institute for Tropical Agriculture (IITA), adapted to the Zambezia plateau’s agro-ecological conditions and disseminated with support of non-profit organizations.

In 1995, CLUSA (Cooperative League of the USA), a US-based association of cooperatives commenced operations in Mozambique (CLUSA, 2016a). Their aim was to help small producers by developing markets and food security activities. In 2006, it supported smallholders’ associations to establish local platforms and the Federation of Producers of Gurue (FEPROG). In 2009, CLUSA also opened demonstration plots as a part of its Prosoya project (CLUSA, 2016b) to teach small farmers the benefits and techniques of soya cultivation, and aimed to consolidate the associations and FEPROG. In 2010, the American technical assistance agency TechnoServe (TNS), who had been active in the dissemination of soya in the district since 2008, joined CLUSA to form another two projects (GateSoja and AgriFuturo), which aimed to upscale the production of soya beans. In these three projects ending between 2012 and 2014, new varieties from Brazil and locally adapted varieties were introduced, and linkages between producers and markets were strengthened.

Through these projects (Prosoya, GateSoja and AgriFuturo), many farmers became convinced of the benefits of soya production, as the non-profit organizations (NPOs) supported them in the context of securing food, land tenure, and nutrition in the impoverished Zambezia plateau. In this way, soya bean disseminated rapidly throughout the region. The expansion attracted large private enterprises that aimed to produce soya beans, mainly for chicken feed. The chicken industry grew considerably in Mozambique
over the 2000s, increasing the demand of chicken feed to unprecedented proportions. The demand for soya for chicken feed production is still not met by the domestic market.

**Emergence of contract farming**

In 2012, CLUSA finished the Prosoya project, in which they offered seeds under the condition of receiving in return double the volume in soya beans. For receiving seeds, producers would pay a symbolic participation fee. Besides seeds, inoculants (paid after the harvest) and free technical assistance were also offered. For those producers willing to apply biocides (which was not necessarily part of the package), CLUSA could also provide these at a cost-recovery basis, also paid after harvest. In addition to inputs, CLUSA helped the farmers’ associations to find buyers for their produce such as Abílio Antunes and Frango King (chicken producers in Manica and Nampula provinces, respectively).

This CLUSA experience set foundation for the development of outgrower schemes, with CLUSA seeking to improve market relations and develop a commercial farming culture among small farmers. However, this initial experience went by almost unreported in the face of a parallel process of large-scale plantation establishments that made headlines as infamous land grabbing cases. For example, the project HoyoHoyo acquired the 10,000 ha from the former state farm of CAPEL, from which 1,650 ha of land were established as a soya bean farm. Families previously occupying that land were relocated to areas allegedly unsuitable for farming and were offered soya inputs as a form of corporate social responsibility (CSR). Such a land grabbing case attracted more media and scholarly attention than the process that CLUSA established by which farmers started to engage in management of a soya seed bank, as a part of the widespread technical assistance given to the organised farmers across the district.

The seed bank was the mechanism CLUSA established to sustainably exit from the Prosoya project. It would later prove itself to be the pillar of success of this first project. The seed bank was meant to function as a repository from which the association members could withdraw seed before the
campaign and repay in double the quantity of loan in grains after harvest. The grains would then be sold and the proceeds used to replenish the bank with high quality soya seed. The scheme was essential for the great majority of smallholders, who are not able to buy inputs themselves, either because of prohibitive prices, for lack of inputs nearby or for not being in a contract farming scheme. The coordination led the FEPROG to continually grow and, in 2014, it hosted 127 smallholders’ associations, organized under 11 geographically defined platforms, called Forums – which managed the local seed banks. This signifies that more than 5,200 agricultural producers (of which 2,400 are women) could be mobilised to engage in the soya bean production.

As CLUSA would only identify potential buyers, but would not mingle in negotiations between them and the farmers or in the arrangement of transportation to take production to agreed locations, FEPROG became increasingly central to establishing linkages between producers and buyers. In addition, FEPROG catalysed not only NGOs and NPOs that sought for projects partnerships, but also the government and companies. In this way, FEPROG became the centre of the soya bean mass-dissemination, only rivalled by recent TNS efforts to establish self-sustaining local inputs market and rental markets for machinery by creating a small-scale commercial farming class (explained ahead), already reaching 30 percent of the soya producers of Gurue and the neighbouring district, Alto Molocue. As Smart and Hanlon (2014, pp. 26) noted, once the scene was set for the commercial soya production in Gurue, the private sector was easily attracted to the region. By the same time contract farming companies fully came in and set up their schemes.

**Boom-and-bust cycle of contract farming**

In Mozambique, only a few sectors have proven to be viable for contract farming, namely the cotton, the tobacco and the sugarcane sectors. Contract farming in the soya sector in Zambezia in contrast proved not to
be viable. Of at least six identified investments that entered the soya sector in the region, three trialled contract farming. Only one remains active – though reportedly still unprofitable – to supplement production from its nucleus plantation, which forms the basis of its business model. Almost all soya smallholders are thus now involved in the sector through open market sourcing, as opposed to the previous contract farming schemes that reached at some point about 500 farmers (according to an interview with TNS). The main reason for the failure of contract farming in the areas of soya production was the in compliance with contracts resulting from increased prevalence of side selling, the difficulty of monitoring the marketing behaviour of contract farmers, and the influx of informal and formal grains traders.

The practice of side selling by producers was quickly endemic. Side selling often happened for the following reasons. Firstly, unlike the operations in the tobacco sector, most companies of the soya sector did not assign enough personnel for on-sight monitoring of smallholder activities (the tobacco sector, for example, had a team of 550 extension service officers in 2014). Secondly, among local rural communities there are blatant local perceptions that a) inputs – seed, inoculants, etc. – should be offered for free, or for a symbolic price as the producers had initially experienced with other NGOs, and the state, and b) if a current project that distributes inputs fails, another one will certainly soon replace the previous. These two perceptions are rooted in what can be seen as a 'donor culture', which leads to a misalignment of expectations between farmers and contract farming principals. In other words, since most soya farmers were only familiar with NGO-led technical assistance projects, where consequences of in compliance are limited, many contract farmers do not understand or do not want to honour contract farming agreements that are less favourable since they operate through market principles. Once soya is harvested, smallholders therefore aim to obtain the highest possible prices in the market, in turn disregarding the costs that the buyer had with the purchase and distribution of inputs. This means that considerable time and resources must be devot-

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1 According to a presentation held by Mozambique Leaf Tobacco, on 29th May 2014.
ed to ensuring soya farmers appreciate the importance of respecting more market-oriented productive relations.

The impossibility to monitor contract farmers also stems from the fact that the soya bean sector is not able to establish a monopsony scheme, unlike other successful contract farming cases in the cotton sector. It is also very difficult to build a monopoly, as happened in the tobacco sector, which makes contract enforcement more straightforward for the buyer. And, there were no mechanisms to control smallholder production through consolidated production, as is commonplace in the sugarcane sector in southern Mozambique, where smallholder production is organized through block farms.

The involvement of a large number of buyers and a relatively large space for the farmers to develop their own production poses yet another issue. In Gurue, for example, the access to international grain traders, such as Cargill and ETG, to middlemen and third party commercial people (typically called Bangladesh, as middlemen in Mozambique are mostly with South Asian origins) has rapidly improved in recent years. Just like it is impossible to monitor smallholders’ activities when they are highly dispersed, it is impossible to fully regulate the practices of independent buyers. The availability of these alternative buyers facilitates side-selling by farmers who wish to do so against their contract.

After the bust

Companies gradually abandoned their contract farming activities in 2014, and the seed bank managed by FEPROG’s Forums became in practice the primary source of soya seeds that the producers could obtain on a credit basis. Its management however proved dysfunctional when CLUSA’s involvement in the seed bank in the region finished in 2014. The seed bank became a peer-controlled self-organised scheme, but without adequate accountability mechanisms resulted in high rates of default. Although the existing social capital within Forum structures could have generated sufficient incentives for smallholders to comply with repayment conditions, those responsible for managing the seed banks set poor precedents by fail-
ing to repay themselves. Eventually, most Forums were unable to generate sufficient resources to replenish its seed banks with high quality soya seeds.

By 2012, TNS had already started an alternative to the then flailing seed bank. It engaged small commercial soya farmers (SCF) in the commercial dissemination of soya seeds and inputs, as well as machinery for rental. There are currently around 30 SCFs in Gurue and Alto Molocue (most in Gurue) and they are large producers in comparison to their smallholder neighbours, with at least 10 ha of land to be used for TNS’ project. Whereas the seed bank smallholders would access seeds by credit to be repaid at the end of the agricultural campaign, in the TNS scheme they need to pay cash upfront to their local SCF distributor. Although according to TNS already reaching around 30 per cent of Gurue’s and Alto Molocue’s soya producers, the system does not tackle a relevant issue for most (prospective) producers: accessibility and affordability of inputs.

Currently, the declining availability of quality and affordable inputs is forcing many interviewed smallholders to reuse past campaign seeds, which yearly decrease in quality and germination capacity. And the main current connection of smallholders to the soya market is through the middlemen and newly entering ‘sourcing companies’ that purchase soya beans at fixed amounts and prices at farm gate. A few intentional statements for sourcing started to be signed in the past two years, but no inputs are offered through these arrangements. These statements merely stipulate the quantity of soya to be delivered by associations at a pre-defined price and date of collection.

At the same time, a large proportion of smallholders struggle with inaccessibility or unaffordability of inputs (even when subsidized) and land loss and crop failures. A different situation compared to the times in which soya prices and production were high and producers were able to improve their housing conditions, pay for secondary school fees for their children, and acquire inter alia motorcycles, bicycles and cell phones.
III. THE CONSTRAINTS TO RE-ENGAGE WITH THE SOYA PRODUCTION

As we have seen so far, various factors forced smallholders to cease their engagement in contract farming, but there are persistent interests among farmers in the soya bean sector. In order to outline possibilities for these farmers to re-engage in production, we will need to specifically look into the sample of those producers who do not produce soya.

(1) Unavailability of inputs

According to the survey conducted in 2015, in Gurue, the majority of the smallholders want to enter the soya business. Of 60 non-producers households surveyed in four areas, 87 percent said they would like to become soya producers, and 8 percent answered they would not like to produce, but would change their mind if certain conditions, such as better prices for inputs or access to credit, were met. Focus groups discussions with associations not producing soya also substantiate this claim.

Of the sample of non-producers, 65 percent of the households had never produced soya. However, almost 80 percent of those are interested, but they are practically unable to do so due to a series of reasons. Lack of inputs nearby was the main cause for 61 percent of the households, a constraint that TNS is trying to solve through the SCF schemes. Prices of accessible inputs are another issue, since 16 percent of the interested households declared them to be prohibitive. Moreover, access to credit with post-harvest repayment options was considered a problem for 25 percent of the respondents, and the limited access to land was also consider a constraint for 16 percent of the households. For the 35 percent of the households that have at least once produced soya, two-thirds (66 percent) pointed to input issues as the main reason for having stopped soya production. The main input constraints were related to prohibitive prices of inputs and the lack of inputs nearby. As main reasons for stopping or never starting soya production re-

2 Households pointed out one or a combination of two of the presented reasons. Thus, the total percentage superior to 100 percent.
olve around inputs access and prices, these results underpin the necessity of cheaper and more readily available soya inputs (such as quality seeds, fertilizers, pesticides and inoculants) to support smallholder production, as TNS is trying to do. Conversely, access to credit with post-harvest repayment options at reasonable rates can offer an alternative to smallholders to access the needed inputs.

It is worth recapitulating, however, that the contract farming schemes and soya seed banks offered this credit solution, but was soon made unfeasible due to the high default and side-selling rates. Nonetheless, since 80 percent of the non-producers surveyed are currently not members of any association they might not have experienced the seed bank, nor contract farming-type schemes, which may explain the reason for a great amount of interviewed households to place their hopes on a credit-based scheme of inputs access. Indeed, 47 percent of all the surveyed non-participant households pointed out access to credit with post-harvest repayment options as one important condition to become a soya producer, followed by cheaper prices for inputs (24 percent).

For the participant households, however, accessing inputs has also become a problem. Of 59 households currently producing soya, 43 (73 percent) are reusing seeds from past campaigns. An important difference, nevertheless, is that those still producing had access to seeds from the seed bank managed by the Federation’s Forums.

(2) Reluctance to associate under FEPROG

The high prevalence of non-associated households suggests a correlation between having access to the means of soya production and being member of an association – particularly if under the Federation. As seen before, the FEPROG was one of the main links between buyers and producers during the heydays of contract farming. And it is performing a similar role now with the substitution of contract farming for sourcing schemes based on intention agreements. In this sense, understanding household reasons for not being members of an association (Figure 1) is important for understanding the reasons for smallholders not to produce soya.
Certain exclusion criteria were observed. After asking the households about the reason for not being member of an association, 6 percent explained that they are too far from an existing association, and 25 percent alleged that they do not have enough land or means to be accepted by their local associations. Others (6 percent) claimed that participation in associations are only for influential people of the communities, and 4 percent pointed out that they do not produce soya as the main reason for not being accepted in an association. Another 17 percent are waiting for an invitation or were actually denied by associations for no specific reason. However, a remarkable 38 percent of the surveyed households do not want to be part of an association or are sceptical about its organisation and benefits. Therefore, although being part of an association under FEPPOG is decisively an easier way of acquiring necessary inputs and particularly market for soya, a considerable group still wants distance from these associations, including disillusioned former members.

Through the interviews with head members of FEPPOG, it was possible to identify that associations are struggling with the lack of enough soya inputs and sourcing contracts for all of its members, meaning that even current members are already being excluded from soya production.

In sum, acquiring inputs for soya production is unequivocally the highest hurdle for smallholders to get themselves engaged in the soya sector. The high prices of quality soya seeds, for example, means that often only better-off commercial producers can acquire them. The agricultural department of the government lacks resources to provide enough and constant subsidized soya seeds for everyone; and the SCF scheme is not able to reach the large portion of the population and offer inputs at prices they can pay. Hence, many small producers are not able to engage in the soya sector.

Nonetheless, soya bean has not lost its importance in Gurue as one of the main cash crops\(^3\). The majority of the producers are still waiting for the return of donors or buyers who could make affordable credit schemes available for inputs. The influx of farm gate buyers has however revived hope amongst smallholders, particularly for those in associations that secured a statement of sourcing intentions through the Forums. However, for those

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\(^3\) Last year’s (2015) high market prices for pigeon peas (feijão-boer) may trigger a shift in next years’ production in the region. Nevertheless, it is unlikely to completely replace soya beans. The presence of sourcing companies such as ETG and Cargill for sesame and other grains are also likely to provide alternatives for disillusioned farmers.
who are reluctant to organise themselves as a Forum-belonging association, the issue of access to credit and quality inputs remains unresolved. For this reason, the issue of developing more accessible input markets in the district is yet to be addressed. As mentioned, TNS is trying to address this issue by engaging small commercial farmers in the distribution of inputs and machinery rental in their localities. However, although reaching many small-holder producers who can afford these inputs, the scheme is still unable to reach the bulk of (prospective) producers – and soon, TNS is exiting the program and leaving it to be self-managed by the SCFs.

**FIGURE 1 – PERCEIVED REASONS FOR NOT BEING MEMBER OF AN ASSOCIATION**

![Graph showing perceived reasons for not being a member of an association.]

Source: Authors’ surveys
IV. FINAL DISCUSSION AND RECOMMENDATIONS

The process of soya bean production first expanded through the NGO interventions in the mid-2000s, then contract farming evolved into a transient experience in the district, and finally the current expressions of constraints that regards the input market and weak attraction of association in Gurue can be translated as the current structural impediments of the soya bean sector. Taking into account this process, if the logic of small farmers’ side-selling and exit from the contract farming is analysed more in depth, it is possible to understand this entire process as one by which farmers exercised their agency to appropriate the development intervention, such as the seed bank and NPOs projects; the large-scale business investments, with which conflicts have arisen; and the ways that the contract is enforced. As farmers constantly engage in their local struggles to make their ends meet, they try to fit the sector development into their livelihoods strategies, leading to the disrespect for the contract or for the organisational base of this contract i.e. the Federation-belonging associations, which they did not deem fair.

These ways farmers exercise their agency in everyday places highlights that the system of contract farming and even sourcing in the region must rely on the existing local organisational capacities. Moreover, since the context of soya sector proved different to others and heavily susceptible to local agency, the system of contract farming and sourcing need to consider approaches that are different from cotton, tobacco or sugarcane sectors and, rather, more nuanced to local context and expectations. For example, first, individual farmers’ access to input markets needs to be guaranteed, either by introducing affordable seeds; or re-vitalising the seed bank scheme with affordable credits and accountability enforcement. Alternatively, TNS’s initiative of mobilising a commercial farming class as pivotal centre for inputs dissemination and smallholders inclusivity should be further explored, since it offers a sustainable alternative to the existing practices of FEPROG – which, as seen, are not attractive to all the small producers of the region.
Second, as the failure of the sustainability of the seed bank indicated, there needs to be more engaging technical assistance programme for the farmers to understand the importance of self-management of such an initiative. Many non-associates or those who left associations express their distrust of the managing board members of the associations, citing incidents of corruptions or misuse of assets. Ideally, local governments – typically the District Services of Economic Affairs (SDAE) – that work on rural extensions should be more engaged to ensure that the organisational management capacity of the farmers is enhanced. It is comprehensively difficult, though, when the local government counts with roughly one extension officer per locality to address producers issues and doubts with all types of crops.

Thirdly, a similar approach is lacking to curb side-selling risks deriving from NGOs former works in the district and other parts of the country that set a wrong precedent, distributing free inputs, instead of incentivizing a commercial mentality among local producers – and wrongly believed that the private sector would build on their work. When TNS and CLUSA advanced their soya bean projects in Gurue relying on a commercial mentality, the so-called donor culture mentality was already very much part of the local culture, and it was decisive for the failure of the seed bank. Understanding and working on curbing these issues are essential actions to avoid the failure of the commercial system that TNS is trying to consolidate with small commercial farmers.

Additionally to the aforementioned, currently there is no system of safeguarding smallholders from the potential crop failure or the price fluctuations, especially in the international market; and this sustains the vulnerability of the soya bean or any other crop sectors in Mozambique. Farmers should be able to thrive on diversified plantations that secure their own food and nutrition, and there should be a support for this diversification as the current focus on ‘food sovereignty’ has argued (Otsuki, 2014). Alternatively, they should also be able to specialize in sustainable manners, in case they decide so.

The failure of contract farming and potentially sustainable self-managed measures are new opportunities to rethink the entire set up of smallholder engagement in areas of crop expansion, and the soybean sector is an inter-
esting sector to look into in this sense, as it allowed farmers to create their own spaces of manoeuvre.

V. CONCLUSIONS

This paper has discussed the process of soya bean expansion in Mozambique, often illustrated by land grabbing cases. It rethinks the process and shows how smallholders accumulate their experience and act upon the evolution of the process. The paper has paid particular attention to contract farming, as it is often promoted as an ‘inclusive’ business model that is alternative to the land grabbing.

The experience of the soya bean farmers in Gurue district has shown that they are partly in fact deciding how they want to be included into different models, and this decision-making process is something we need to closely investigate. The soya bean expansion in Gurue has been accompanied by popularisation, struggles of plantation models, and the development and decline of contract farming throughout the past decade. This process has shown how farmers evaluated their experiences in relation to their everyday life, and addressed needs to specifically improve conditions of farming in relation to, but not necessarily confined within, the framework of contract farming. The problem is that little attention has been paid to the farmers’ experiences on the ground and manifestations that could potentially work to improve their livelihoods and relations with the market.

The paper has detailed evolution of the soya sector in Gurue, which has gone through the structured experience with soya plantation in the 1980s. Then, in the early 2000s, after a gap of around two decades, soya reappeared with a nutritional goal and rapidly disseminated throughout the plateau for the private business. These businesses were preceded by three NPO-led projects (in about one decade) to train smallholders, amplifying the dissemination and commercialisation of soya. This trajectory clarified that some investments were interested in plantation schemes only, whilst others wanted to involve smallholders. In this setting, cases of land grab
occurred, but contract farming also blossomed. The involvement of international non-profit organizations was essential to shape sector development trajectories, in particular during the years of formation of associations and their seed bank. Smallholders organised in associations under a Federation were able to access soya inputs and increased soya production in a period of high soya grain prices – defining the golden age of smallholders’ soya production. Many smallholders failed once the seed bank project was made unsustainable, and the aftermath is currently showing the decrease of smallholders’ production. At the same time, while all but one investment gave up on contract farming and moved away or started sourcing soya instead, the new SCF scheme is contributing to the re-inclusion of many producers that faced this decline in inputs availability.

Such an evolvement has implications for the policies of international cooperation that, differently from what TNS and CLUSA tried to implement, often turn out to be unsustainable and create aid dependencies, for lacking a commercial long-term perspective. In the case of Gurue, different factors reveal the failure of the implemented policies: national governments attracted private investors to resource-rich areas while being unable to monitor their operations; local governmental rural extension services were often absent from the accompaniment of farmers’ organisational activities such as seeds bank; and, local associations and federations failed to attract non-associates to get organised and to be involved in the management. The smallholders struggle to develop their livelihoods in their everyday places throughout the multi-scale policy failures and incapacities of the state, as well as of not commercially motivated NGOs and international cooperation.

In a broader view, the case of Gurue can also translate into meaningful learning for other sectors in Mozambique. Involving smallholders has proved to be a challenge in the country, and the issues here presented partly translates into other sectors. Side selling, for instance, is reported throughout the country and is one of the main reasons for many investments failures, as many investors operating through smallholders have large losses because of contract breaching. In addition, there are many projects of crop expansion and markets development organized by the international and national public sector in Mozambique. Observing the trajectory of the soya
sector and how overlooking local smallholder agency translated into failure of otherwise sustainable systems, can provide relevant insights for many projects in the country.

This situation reveals the importance of having policies that focus on building capacity of the state at different levels, based on a deep understanding of local contexts and nuances, and that support initiatives of commercial character, such as CLUSA’s seed bank and TNS’ small commercial farmers scheme. Moreover, they should also build capacities of producers, to ensure they are able to hold the state accountable for making these initiatives sustainable.

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“There is no ebola here”: lessons from Uganda and Liberia on the political economy of epidemics

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ABSTRACT

Why do comparable countries experience different outcomes when responding to the same epidemics? This question remains unresolved. This paper argues that countries with decentralised structures are more likely to be successful when responding to epidemics than those with centralised structures. A comparative case study analysis of Uganda and Liberia, guided by an intersectionality-based policy analysis framework, supports the hypothesis: Political economy factors determine the degree of decentralisation, health systems resilience, political commitment and community participation. These findings hold important policy implications for future responses to epidemics of such magnitude as the 2014 Ebola outbreak.

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**ABBREVIATIONS**

AfDB  African Development Bank  
CBC  United States Center for Disease Control  
GDP  District Task Force  
DTF  Gross Domestic Product  
GoL  Government of Liberia  
GoU  Government of Uganda  
IMF  International Monetary Fund  
IMTF  Interministerial Task Force  
IPAF  Intersectionality-based Policy Analysis Framework  
LRA  Lord’s Resistance Army  
MoH  Ministry of Health  
MSF  Médecins Sans Frontières  
NRM  National Resistance Movement  
NTF  National Task Force  
SAPs  Structural Adjustment Programmes  
TRIPS  Trade-Related Aspects of Intellectual Property Rights  
TTIP  Transatlantic Trade and Investment Partnership  
UBOS  Uganda Bureau of Statistics  
UNDP  United Nations Development Programme  
WTO  World Trade Organisation
1. INTRODUCTION

While extensive literature argues that building resilient health systems is a crucial determinant in responding to epidemics (Kruk et al. 2015; Kieny et al. 2014; Farmer et al. 2014; Ahissou and Cheng 2014), political economists still puzzle over the slow response to the 2014 Ebola outbreak in West Africa. This paper brings together theoretical analysis and data to offer new knowledge that may inform policies on how responses to epidemics can be more efficient in the future. Thus, the central question that this paper seeks to investigate is: What explains why Uganda contained Ebola effectively compared to Liberia?

While central to unearthing the underlying factors behind the slow response to the Ebola outbreak, the influence of political-economic factors remains under-researched. One line of argument focuses on the impact of civil war (Lind and Ndebe 2015; Bausch and Schwarz 2014), while an alternative view suggests that the slow response is due to a lack of community participation and trust (Colebunders et al. 2015; Oosterhoff and Wilkinson 2015). Others emphasise that the epicentre of the outbreak has long-standing effects of colonialism, foreign aid, structural adjustment policies, and the Trans-Atlantic Slave Trade (Grépin 2015; Kentikelenis et al. 2015; McGovern 2012; Nunn and Wantchekon 2011; Rashid 2011). These theoretical debates often disregard the political-economic context, which may also explain why some countries are more successful in containing epidemics than others. ‘Political-economic context’ refers to health systems development constraints resulting from conflict of interest amongst key actors in the economy and the state’s need to make collective choices when faced with an epidemic.

This study focusses on the 2014 Ebola outbreak for several reasons: First, the 2014-2017 medium term estimates indicate an average gross domestic product (GDP) loss of US$3.6 billion and US$18 per capita annually in Guinea, Liberia and Sierra Leone (UNDG 2015). Second, with more than 27,748 reported cases and 11,279 deaths (WHO 2015d), it had regional and international spillover to Mali, Nigeria, Senegal, Spain, the United Kingdom, and the United States (Benton and Dionne 2015; Nishiura and Chowell...
However, those cases were contained simultaneously, in a relatively short period of time. For those countries that are comparable economically with Liberia, reasons for the successful containment remain unanswered.

The hypothesis of this paper is that political-economic factors at the national and international level determine the degree of community participation and allocation of resources needed to build resilient health systems. To examine this hypothesis, this paper uses a comparative case study of Uganda's 2000-2001 and Liberia's 2014-2015 Ebola outbreaks as well as Hankivsky's (2012) intersectionality-based policy analysis framework (IPAF). The paper argues that the answer to the central question relates to the interaction of social environments and their structures of power. These interactions are not only fundamental in comprehending effects of and how to respond to Ebola, but they also explain why some countries respond better than others through a deep structural analysis.

The paper focuses on the initiation and implementation stage of the Ebola response. Section two reviews the literature on the response to epidemics, which traces the conceptual link between politics and the response to epidemics. Section three describes the methodological approach of the analysis. Section four analyses how the concepts from section two apply in Uganda and Liberia's Ebola responses. Section five offers a discussion of the case studies, while section six discusses lessons that can be learned from the outbreaks. Section seven concludes by suggesting potential policy recommendations on how to respond to future Ebola outbreaks.

2. LITERATURE REVIEW

There have been a number of studies in the last few years focusing on effective epidemic responses. The majority focus on how media and communication play a vital role in curbing the further spread of epidemics, by bringing people accurate and updated information to change behaviours (Gilbert et al. 2015; Ulmer et al. 2014; WHO 2005). Many link fragility of health systems to the slow response in controlling Ebola (O'Hare 2015; Drake et al. 2015; Kieny and Dovolo 2015; Roca et al. 2015; Buseh et al.
while others are grounded on civil war, community mistrust, colonialism, foreign aid, structural adjustment policies, and the Trans-Atlantic Slave Trade. The political economy of epidemics is often overlooked in these studies.

The dominant factor identified in the literature points to dysfunctional health systems (Boozary 2014; Farrar and Piot, 2014; Chan 2014a); hence, the pressing need for robust and resilient health systems. According to the resilient health systems framework, this is the capacity of health actors, institutions and populations to prepare for and effectively respond to crises. Political-economic factors at the local, national, and global level determine whether these capacities exist. Thus, there is a need for the involvement of financial and human resources to ensure proper allocation of resources in health systems together with the role of civil society and independent media to hold political institutions accountable.

Attaining resilient health systems, according to the health systems framework, first demands a commitment from actors at the local, national and global levels, since health system resilience is a global public good and pathogens disregard borders (Lachenal 2014; WHO 2005). Second, there needs to be a pre-existing legal and policy foundation that can guide the response from actors involved, establishing transparency and accountability (Lancet 2014; Kimball 2014). Third, there needs to be a committed health workforce that requires investment in social capital before epidemics. Mladovsky and Mossialos (2008) relate social capital to professional ethos, seeking collective goals that are nurtured by social relations among individuals and key representatives of political institutions. In the absence of this commitment and altruism from the health workforce and political actors, response to epidemics is likely to be affected.

The promotion of health systems resilience by communities differs between centralised and decentralised health systems. Mills et al. (1990) argue that decentralised health systems enable communities to participate in making decisions; in most cases, depending on the context, this enhances trust and local commitment to collective goals. Chowdhury (2012) postulates that such participatory approaches should seek to combine both top-down and bottom-up frameworks in order for governments
and healthcare workers to achieve the trust of local people. Buseh et al. (2015) emphasise that a combination of actors at the local, national and international level is necessary in curtailing epidemics. Even so, policies aimed at decentralisation are attributed to shifting power relations among levels of government (Adams 1985), while political commitment and culture are inherent when deciding whether to centralise or decentralise. Therefore, the decision on whether to decentralise health systems may be hampered by different interests amongst actors at the local, national and international level.

From the studies summarised herein, none explain precisely why few comparable states have political commitment to invest in health or engage with communities – aspects that are crucial in responding to epidemics.

3. THEORETICAL FRAMEWORK

During the literature review, it became clear that while factors linked to slow responses to epidemics have been carefully studied, the intricate interplay of factors underpinning the slow response to the Ebola outbreak have not yet been thoroughly explained. This paper can fill the gap in attempting to understand precisely why certain responses to epidemics are more effective than others. However, this demands a better understanding of the theoretical reasoning behind IPAF. This paper analyses the claim from scholars that robust and resilient health systems alone are determining forces in responding to epidemics. It synthesises both schools of thought by arguing that that both top-down and bottom up approaches can help explain why certain countries are more successful in responding to epidemics than others.

3.1 Intersectionality-based policy analysis framework

Intersectionality is a framework intended for policy analysis. It allows for the scrutiny of policy priorities and helps reveal the often-disregarded
interaction of social environments with the available structures of power (Hankivsky 2012). Gronke (2015) argues that underlying forces behind epidemics are not reduced to single explanatory influences or foci in this perspective. Aspects such as geography, gender, race, socio-economic and political factors all shape the experiences and outcomes of epidemics. Dhamoon (2011) maintains that IPAF also interrogates power and multi-level systems as well as the structures in which a society is embedded. It also emphasises social justice, which Farmer (2005) asserts has potential to address the causes of health inequities.

As discussed in the literature review, responding to future Ebola outbreaks may hinge on building resilient systems, but this measure alone does not guarantee an effective response to epidemics. In as much as Paul Farmer suggests Ebola is a symptom of weak healthcare systems (Washington Post 2014), the line of thought fails to question much deeper structures of power behind the creation of weak health systems. IPAF focuses on the broader structural analysis of power and pays attention to the underpinning systems of colonialism, racism, neoliberalism, capitalism, and globalism, which can help analyse the political economy of epidemics.

3.2 Top-down and bottom up approaches to frameworks

The top-down approach, which advocates for centralised systems as opposed to decentralised systems in implementing interventions, focuses on policy decisions from the top leadership. It assesses leaders based on whether promised policies are implemented (Sabatier and Mazmanian 1983; Meter and Horn 1975), which indicates that intervention programmes and systems have greater chances of succeeding.

Proponents of the top-down approach believe politicians at the top level are instrumental in ensuring successful interventions. The approach, however, may lead to the neglect of initiatives from below or result in coordination problems. Therefore, it could be problematic to use such an approach in an environment with several actors in charge of social services or public goods delivery. In addition, this approach has little capacity to
predict successful outcomes of situations that are complex, unless there are accountability mechanisms in place and actors making implementation decisions have political commitment and will (Levin 1980).

Thus, due to a lack of information flowing upward, centralised authoritarian regimes with top-down approaches have slower responses. In contrast, a bottom-up approach promotes a decentralised system of governance. This approach, which focuses on a policy problem as opposed to a policy decision, concentrates on created networks and actors’ tactics (Elmore 1982; Hjern and Porter 1981). In both top down and bottom up approaches, the need for political commitment, along with the proper allocation of resources in systems such as healthcare, is fundamental for successful outcomes (Rondinelli et al. 1989). Turner and Hulme (1997) agree that involving both the private sector and civil society in the delivery of services is important in order to hold political institutions accountable in bringing services and decisions closer to the community. Decentralised political regimes are therefore crucial in the successful implementation of interventions (Grindle 1980, 1989). Figure 1 illustrates focus areas of this study and conceivable correlations between factors examined in previous chapters to explain responses to epidemics.
Figure 1: Schematic diagram of a conceptual framework on influence of different actors on the 2014-15 Ebola response in Liberia

Source: Own compilation
4. METHODOLOGY: CASE SELECTION

This study is based on a comparative case study analysis. It uses secondary data on the experiences from the 2000-2001 outbreak in Uganda compared to the 2014 outbreak in Liberia for various reasons: both countries have a history of civil war; their health sectors are worryingly dependent on foreign aid; and before the outbreaks, they both had weak health systems and scored poorly on the UNDP Human Development Index. However, they showed contrasting experiences in their response to the Ebola outbreak. From the theoretical frameworks established in section three, this paper hypothesises that effective responses to epidemics depend on political-economic factors, and bottom-up approaches are more likely to be effective compared to top-down approaches.

To test this hypothesis and answer the central question, this paper conducts background research through a literature review, from sources such as published academic papers on the response to Ebola. It also makes use of comparative journal articles on Uganda and West Africa, reports on current and previous Ebola outbreaks, experiences and insights from international experts and observers of the Ebola outbreak, databases such as PubMed and policy documents from primary sources such as the World Health Organization (WHO), the Ministry of Health (MoH) of Uganda, the MoH of Liberia and the World Bank.

The study focuses on political commitment, health care systems, and community participation as its variables for several reasons. First, political commitment helps identify key actors’ willingness to mobilise support, allocate resources and involve different actors. Second, health care systems have extensively been advocated by most studies as a factor leading to slow response. Third, community participation and their accompanying trust and ownership are desirable to ensure an effective response without resistance.

This study uses a qualitative, in-depth case study that compares the background situations of the two countries, what happened, and why, in order to offer lessons on how to respond to future epidemics. The approach gives a deeper understanding of political positions, cultures, and other factors such as armed conflict, international community, and aid agencies’
influence on health care governance. This paper will use information from these sources to summarise existing evidence and limitations as well as identify gaps in the literature in order to suggest areas of future research.

5. LIBERIA’S EBOLA RESPONSE

5.1 Background information on Liberia

With a population of 4.294 million as of 2013, Liberia is one of the poorest countries in Africa, ranked 175 out of 187 countries on the 2014 UNDP Human Development Index (UNDP 2014a). Around 49 per cent of the total population resides in urban areas around the highly populous Monrovia. Eighty-four per cent of the total population lived below the national poverty line in 2013, earning less than US$1.25 a day, while 89 per cent of the households obtained water outside their homes and 45 per cent lacked toilet facilities. Liberia has a per capita income of US$410 (World Bank 2014). Its 14 years of civil war came to an end in 2003.
The 2014-2015 outbreak saw 10,666 cases and 4,806 deaths as of 29th July 2015 (Figure 2) (CDC 2015; WHO 2015b). The Ebola virus in Liberia is connected to an outlier strain of Ebola Zaire which has a human mortality rate of 80 to 90 per cent and is considered the most virulent (McCormick et al. 1983). The first case of Ebola was formally reported on 30th March 2014 in Foya Town, inhabited by approximately 20,000 people, spreading rapidly in July and extending to other counties such as Margibi and Montserrado (World Bank 2014). The last case was on 9th May 2015 (1 year, 1 month, and 10 days after the first case was reported), when Liberia was declared Ebola free. Shortly after, there was a recurrence of the outbreak on 29th June, 2015, which lasted until 12th July 2015, when no more cases were reported. Out of the total deaths reported, 75 per cent were female, due to the division of informal and formal care work of patients affected (UN Women 2014).

5.2 Political commitment

This section focuses on constraints that ascend from the conflicts of interest amongst key actors in the economy as well as the state’s need to make collective choices. First, it gives an overview of the political environment in Liberia before the outbreak. Second, it discusses political commitment by actors at the local and global level. It concludes by giving examples of political commitment from the global level towards the Ebola response.

First, despite declaring a 90-day state of emergency on 6th August 2014 (4 months and 8 days after the onset of the outbreak), the early top-down, centralised preventive measures of the government of Liberia (GoL) were not sufficient (UNDP 2014b). With 78 per cent of the total population believing their public officials are corrupt, Liberia scores poorly in governance (AfDB 2014). The slow response can be traced to political commitment at the national level, which stems from the GoL and its ministries, and political commitment at the global level, which is linked to actors such as WHO and international aid agencies.

At a very early stage of the outbreak, government ministries competed for meagre resources, donor funding and authority over the outbreak control programme. Before the outbreak in February 2013, President Ellen Sirleaf
Johnson stated that her government was committed to the decentralisation of power, which would allow for a bottom-up approach in government interventions (Sirleaf 2014a). However, this move faced opposition because of the fear of increased political resistance from the local level and because national legislators benefitted from decentralised corruption; in the centralised system by investing government-allocated funds in projects of their own interests (Zanker 2014). This lack of coordination from the top level brought about limited collaboration by local communities and local leaders, and fostered a perception of rampant corruption in the government. A good example is the failure of the entrusted National Ebola Task Force set up the Ministry of Health to account for the initial US$5 million contribution to the National Ebola Trust Fund (NETF) from the government (UNDP 2014b).

Because the money could not be accounted for, Liberian youths of the King Gray Community resisted the building of a treatment facility in their community, leading to three weeks of negotiations while the disease exploded out of control (UNDP, 2014b). In addition, in June 2014, President Sirleaf warned that the GoL would persecute anyone hiding cases suspected to be Ebola (Sirleaf 2014b), an autocratic move, akin to what took place during colonial rule in the event of an epidemic, resulting in antipathy and community distrust (Killingray 2003; Tomkins 1994). In rebellion of the government’s handling of Ebola, a man set the health ministry on fire in July 2014 (Williams 2014). Most Liberians held onto the belief that the outbreak was driven by political leaders’ motivation to get more foreign aid (Epstein 2014).

Second, as stated by Liberian President Sirleaf, ‘partners and friends, based on understandable fears, have ostracised us, shipping and airline services have sanctioned us as the world has taken some time to fully appreciate and adequately respond to the enormity of our tragedy,’ (UN 2014a). As cited by Davis (2015) the WHO was silent, governments denied it, all that meant it got out of control, (Piot 2015).

Following this background, it was not until 24th July 2014 (3 months and 25 days into the outbreak) that the agency upgraded the Ebola crisis from level two to level three. Level two refers to pathogenic or infectious
diseases that pose moderate hazard, whilst level three may cause serious or lethal disease transmission, and must be controlled with all appropriate government agencies. On 30th July 2014, Dr. Joanne Liu, the International President of Médecins Sans Frontières (MSF) suggested that the WHO’s Director-General Margaret Chan should declare the outbreak an international health emergency. Chan thought Liu was pessimistic, when Liu was just being realistic (Sun et al. 2014a). The WHO waited until 8th August 2014 (4 months and 10 days into the outbreak) to declare Ebola a global health emergency.

As a result of its 2011 funding deficit, the WHO cut its budget by approximately US$600 million, leading to both a decrease in its emergency response units and attrition of its epidemic control experts (Fink 2014). In 2014, the WHO’s global budget for individual outbreak and crisis response efforts was approximately US$109 million, a decline from previous years. Out of this total, only US$22 million went to African countries for surveillance, outbreak response and vigilance against outbreaks such as Ebola, meaning that each African country could potentially get just US$500,000 (Kenny 2014). Regrettably, the agency only controls 30 per cent of its budget (WHO 2014a).

Political commitment at the international level is also seen from The Guardian on the 25th September 2014 quoting U.S. President Barrack Obama saying, “And everyone has to do more. Right now everybody has the best intentions, but people are not putting in the resources that are necessary,” (Borger and Caroll 2014). Just days before, on the 16th September, 2014, the president made a commitment to support Liberia in the form of a military-led response and posted the 101st Airborne Division in Liberia (Cooper 2014), which cost approximately US$750 million and comprised 3,000 military personal (Sun and Eilperin 2014c). This may have added to the physical capacity of the country, but not the governance deficits needed to respond to the Ebola outbreak.

Furthermore, as indicated by Stanton (2014) WHO’s Director General said, “Ebola emerged nearly 40 years ago. Why are clinicians still empty-handed, with no vaccines and no cure? Because Ebola has been, historically, geographically confined to poor African nations. The R&D incentive is
virtually non-existent. A profit-driven industry does not invest in products for markets that cannot pay,” (Chan 2014b).

Poverty in Liberia is explained by 84 per cent of Liberia’s total population living below the national poverty line (UNDP 2014a). In the years before the outbreak, GoL did not put in place adequate intellectual property rights at the national level to incentivise innovations such as ZMapp (Ziconda 2002). At the global level, intellectual property rights and trade agreements such as TRIPS and the highly debated TTIP are driven by incentive structures based on profits that favour commercial interests over public health concerns and thus create barriers in access to medicines in developing countries (Bloemen et al. 2014; Revue 2011; Oxfam 2007; WTO 1994; Trouiller et al. 2002).

Third, there are many cases of positive commitment on a global level that contributed greatly to the outbreak response in Liberia as indicated in Tables 1 and 2 (Annex). Certainly, the challenge lies with African countries in finding hybrid solutions to their own problems such as Ebola. As indicated by Uganda’s President Yoweri Museveni quoted on the BBC, ‘I don’t see why we should look to the West, we should be able to address it ourselves,’ (Museveni 2014). A huge amount of support to the Liberian Ebola response came from countries outside Africa (Annex, Table 1 and 2), compared to the sub-par collective responses from better-off African countries channelled through the African Union (Atta 2015).

5.3 Health care systems

Liberia has made great strides in providing basic health services to its citizens since the end of the civil war in 2003, with efforts mainly focused on diseases like malaria, tuberculosis and HIV/AIDS (Downie 2012). Unfortunately, the Ebola outbreak in Liberia showcased weaknesses in the country’s health system, including its lack of adequate human resources, its overdependence on foreign aid, and its destruction of health infrastructure due to looting during the civil war. In addition, deficiencies in its centralised organization constrained health services delivery.

Liberia’s troubled health system before the outbreak is illustrated by the existence of fewer than 50 doctors in the public health systems. Put in
perspective, that is one physician per 100,000 people, compared to 240 in the United States and 670 in Cuba (Farmer 2014) for the same number of people, even though Cuba is known for having good health care systems. Liberian doctors as well as nurses treated infected patients despite the poor supply of protective equipment, which meant that 375 healthcare workers were infected with Ebola and 189 lost their lives (WHO 2015a). At the early stages of the outbreak in August 2014, Liberia was recording 300 to 400 new cases every week, with only 150 to 180 isolation beds; and by mid-August, only 240 beds were available, when the country needed 800 to 1,000 isolation beds (WHO 2015a; Sun and Eilperin 2014; Sun et al. 2014). Instead of spraying Ebola facilities the recommended three times a day, it was only done three times a week (UNDP 2014b). At the early stages of the outbreak, the Eternal Love Winning Africa (ELWA) hospital in Monrovia had only one Emergency Treatment Centre with insufficient space for Ebola patients, while Montserrado County Health Team had only four ambulances in place, which were barely functional.

Second, Liberia’s healthcare financing prior to the Ebola outbreak depended heavily on foreign aid (Figure 4), with Liberia’s overseas development assistance (ODA) for health increased by 3,377 per cent from 2000 to 2010 (WHO 2012). In 2008, foreign aid to Liberia’s health sector was 771 per cent of total government expenditure, rising from 652 per cent in 2007, and 218 per cent in 2006 and 2005 (Starr 2010). During the outbreak, the United States, its largest donor, pledged significant support through military and financing, after cases of Ebola were confirmed in the United States (White House 2014a, 2014b). In contrast, in 2013, only
10 per cent of the country’s GDP was spent on health by the Liberian government (WHO 2014b). With 75 per cent of its government budget funded externally by foreign aid, Liberia receives US$139 per capita in loans. Nigeria, by comparison, receives only US$11 per capita. Yet contrary to Nigeria’s Ebola response, Liberia’s first reaction to the Ebola outbreak was not to mobilise its domestic resources, but to plead for more international aid (Dalmia 2014). This proclivity for aid may be because Liberia may have lacked the appropriate infrastructure and tax capacity to guarantee domestic resource mobilisation. Fominyen (2009) posits that this aid dependency and ineffectiveness is due to the habit of turning crises into opportunity, corruption and lack of proper external monitoring systems.

Third, Liberia’s health infrastructure was devastated by the end of the 14 years of civil war leaving more than 250,000 dead, with roads and bridges demolished, and water and power supplies cut by marauding rebels (Sun 2014). Unfortunately, its healthcare system was no exception, as hospitals and clinics were burglarised, leaving the country with only 354 operational health facilities out of a pre-war 550 (Lee et al. 2011). Medical training systems had also collapsed, while only 168 physicians stayed in the country, with nine out of ten doctors absconding (Dawnie 2012).

Fourth, because Liberia’s health sector is centralised, 60 per cent of the country’s health personnel is in Monrovia, home to close to one-third of the total population, while the remaining 40 per cent is unevenly distributed in the remaining political subdivisions (UNDP 2014b). Centralisation of Liberia’s health systems meant that there was uneven resource allocation. In his diary, Paul Farmer described seeing a mother care for her young son out of Monrovia, bemoaning the fact that the ambulance she called days ago had never arrived (Paul Farmer 2014). The supply of drugs out of Monrovia was scarce, with the only six available government ambulances rarely commuting to deliver drugs because it was deemed costly and jeopardised the drugs to larceny. According to Baker (2014), it was not unusual to wait up to five days for dead bodies to be picked up by the 10 disposal teams, making them even more contagious.
The GoL’s unfulfilled promises to increase the wages of healthcare workers show organisational deficiencies. With inadequate protective gear and increased risk of infection and stigma, most healthcare workers left their duties during the epidemic (Arwady et al. 2014). In 2013 it was assumed that less than 1 per cent of Liberia had electricity. Indeed, the Dallas Cowboys football stadium in the United States consumes more energy annually than the entirety of Liberia (Farmer 2014). Because fluid resuscitation is reliant on regularly replacing intravenous lines, operating in the dark undeniably presents challenges in caring for patients with a disease of such magnitude as Ebola. With all of these factors, lack of adequate capacity, overdependence on foreign aid in the health sector, and the destruction of health infrastructure during civil war all limited an effective response.

5.4 Community participation

The outbreak in Liberia underscored the fact that the prevailing medical and epidemiological responses to emergent outbreaks are not enough, especially in post-conflict contexts with crumbled health systems and broken social contracts (Abramowitz et al. 2015). A lack of political commitment in top-down approaches can result in a dearth of community participation, which can be seen in the way the top government leadership underutilised initiatives from below.

First, when it declared a 90-day state of emergency on 6th August 2014, the GoL closed down schools and markets, and limited social gatherings and movement within counties, without proper consultation of the local community (UNDP 2014c). While it was necessary to prevent the spread of Ebola, these kinds of top-down approaches by the government negatively affected social interactions as well as livelihoods of mobile traders and those engaged in service provision (UNDP/RBA 2014).

With its centralised approach and insufficient resources, it was difficult for both international and domestic response teams to reach most of the areas affected. For example, one Liberian nursing student, Fatu Kekula, was able to treat four of her relatives (sisters and parents) at their home when hospitals turned them away. She did this using her own innovation of
protective equipment from locally available gloves, garbage bags, surgical masks, and a raincoat (Meagher 2014). The hospitals were crowded, beds scarce and funding inadequate (Rump 2015). Three out of her four patients survived. That is a 25 per cent death rate – considerably better than the estimated Ebola death rate of 70 per cent (Cohen 2014). Top leaders’ embracement of these kinds of initiatives from below is largely what was needed to contain the outbreak in the hard-to-reach areas due to their cost-effectiveness.

The government’s lack of involvement of the local community fostered the community’s perception of the GoL as corrupt. As a result, the majority of Liberians believed that Ebola did not exist and that those infected with the virus were simply being experimented on in clinics (Mobula 2014) to increase the government’s funding from foreign aid (Epstein 2014). The mistrust in the government’s intentions resulted in affected families choosing to hide the bodies of those infected.

The WHO demonstrated positive efforts of engagement with the community in Lofa by challenging religious leaders and chiefs to take charge of the community response, thereby leading to the formation of community task forces that conducted contact tracing. The community took charge of house-to-house awareness and reported suspected cases (WHO 2015a). These measures improved coordination of the response by ensuring resources and capacities were allocated in places with dire need. Additionally, opaque walls around the community treatment centres were replaced by see-through ones to allow the community to see whatever was happening inside. This dispelled prevailing mistrust, rumours and beliefs that those infected with the virus were being experimented on in clinics, in this way boosting community confidence in the response teams.
6. UGANDA’S EBOLA RESPONSE

6.1 Background information on 2000-2001 Ebola outbreak

With a total population of 37.58 million as of 2013, Uganda is a landlocked country, ranked 167 out of 187 countries in the Human Development Index report (UNDP 2014a). Seventeen per cent of the total population lives in urban areas and over 80 per cent in rural areas (Okware 2015). In 2000, before the outbreak, 37.4 per cent and in 2012/2013 19.7 per cent of Ugandans lived below the national poverty line (UNSD 2015; UBOS 2014). The country has a per capita income of US$490. During the outbreak, Gulu, the epicentre of the outbreak was entangled in a 13-year insurgency by the Lord’s Resistance Army (LRA) (Kinsman 2012). Among the Acholi ethnic community where the outbreak broke, civil war had waxed and waned in intensity for close to 20 years (Branch 2007; Collier 1999; Dodge 1990).

![Map indicating 2000-2001 Ebola outbreak by districts in Uganda](source: Okware (2015))
Over the last two decades, Uganda has experienced a number of outbreaks. The largest one was in Gulu from 2000-2001 which reported 425 presumptive cases, 224 deaths, a case-fatality rate of 53 per cent and largely affected one ethnic group, the Acholi (Hewlett and Hewlett 2007). Other cases were in Masindi and Mbarara (Figure 5). However, 93 per cent of the total cases occurred in Gulu, which had a population of about 404,000 (UBOS 1991, 2002). The Ebola Sudan virus strain with a human mortality rate of 40 to 50 per cent (McCormick et al. 1983) is linked to the outbreak. The first cases were reported on 30th August 2000 at the St. Mary’s catholic hospital, which was confirmed on 15th October 2000 from the South Africa Institute of Virology (Okware et al. 2015; WHO 2001b); while the last case was reported on 9th January 2000 (WHO 2001a). Out of the total deaths reported, 63 per cent were female, because they took the larger burden of caring for the sick as well as the preparation of dead bodies for burial (Francesconi et al. 2003). It took Uganda 4 months and 11 days to contain the outbreak (Hewlett and Amola 2003).

6.2 Political commitment

Under the leadership of Yoweri Museveni, then the leader of the National Resistance Movement (NRM), which took power during the civil war in 1986, the government set up a broad based government, consisting of representatives of all political movements as well as local councils, in order to win political support (Brett 2009). Under this strategy, the government invested in infrastructure, education, and health, largely sustained by substantial inflows of foreign aid. By purposely transitioning from the political economy of predation and disorder in the form of civil war and broken social contracts, Uganda was able to reconstruct and experience rising developments in state society relations as well as state capacities. With a fairly stable political-economic environment and a cohesive government, it was favoured by 90 per cent of the population during the period of the outbreak, making it easier to win the trust of the people while coordinating and implementing national and international recommendations (Young 2014). Thus, factors that explain Uganda’s quick response to the outbreak...
are linked to political commitment from the government of Uganda (GoU) through a decentralised system that enhanced bottom-up approach, and from political commitment from the international actors, such as the WHO and international aid agencies.

First, President Yoweri Museveni ensured the participation of the all-inclusive cabinet, which led to the formation of the National Task Force (NTF) that coordinated and implemented the outbreak response. This decentralised government established well-functioning outbreak coordination committees, such as the NTF, the District Task Force (DTF) and the Interministerial Task Force (IMTF) in the early stages of the outbreak to provide political direction (Omaswa et al. 2014). The DTFs were crucial in sharing information with the NTF, who were much more proficient in the technical management of the response (Mbonye et al. 2014). This long-standing multi-sectoral and multidisciplinary NTF under the office of the Prime Minister Apolo Nsibambi involved qualified professionals (communication specialists, laboratory scientists, physicians, epidemiologists) from the national to the district level, making it relatively easier to mobilise support and oversee and implement innumerable components such as coordinated communications needed for an effective response to the outbreak (Wamala et al. 2012).

On the communications front, on the fourth day of the outbreak after it had spread to Gulu, Mbarara and Masindi, the Minister of Health, Crispus Kiyonga, publicly announced the scale of the outbreak and called for the reporting of suspected Ebola cases (Young 2014; The Monitor 2000; IRIN-CEA 2000). In his statement, Mr. Kiyonga correspondingly called for special hygienic precautions when handling patients suspected of having Ebola and during the burial of victims (Kinsman 2012). Statements from the MoH were recurrently broadcast in all Ugandan languages on national and community radio (Kinsman 2012). These broadcasts were followed by plans to recruit health scouts in Gulu, equip hospitals with appropriate medications and protective gear, as well as the everyday meeting of the national and district task forces (Kinsman 2012).

While washing the dead bodies of close relatives, family, and friends is a sign of respect in local Ugandan culture, the MoH called for an end to this
practice through proper consultation with the communities (Washington Post 2000). Ebola, like HIV/AIDS and other diseases in Uganda, was considered the GoU’s political-economic ‘silent gun’ used to decimate the Acholi, who were the majority in the opposition (Hewlett and Hewlett 2007 p. 54). Officials from the MoH and WHO therefore paid regular visits to the areas that were affected to explain the government’s response, thus seeking the community’s participation, trust and motivating the local response teams (Mbonye et al. 2014).

To strengthen security in the regions affected by Ebola, the GoU negotiated an agreement among the communities, healthcare workers, international teams, and rebels, allowing unrestricted access to their area of operation. In time, the LRA rebels, security personnel, and NTF officials joined forces as part of the 160 unswerving individuals organising and leading the outbreak response activities such as ambulance services and burial practices (Lamunu et al. 2004).

Second, commitment from the MoH, the Prime Minister’s office and other partners such as the WHO, UNICEF, Africa Field Epidemiology Network (AFENET), and Uganda Red Cross, was illustrated by regular
daily updates and monthly meetings during the outbreak (Wamala et al. 2002). At the very early stage of the outbreak the GoU acted quickly to bring the WHO into the response instead of making a broad call for assistance through foreign aid (Maurice 2000). In the days before the lab tests confirmed Ebola on 15th October 2000, the WHO together with the Uganda MoH were already working together to assess the magnitude of the epidemic (Figure 6).

The WHO helped form the DTF used for coordinating responses and raised US$1.3 million from its partners to help meet the districts’ initial budget, more than its initial international appeal of US$848,000 needed to contain the outbreak (Lamunu et al. 2004; Maurice 2000). In this regard, WHO was already active in the response one month and 12 days after the first case was reported on 30th August 2000.

Teams from the global epidemic alert and response network were equally committed to the response, including experts from CDC and MSF who were in Uganda on day six of the outbreak. At this point, the GoU budget for the outbreak was 500 million Ugandan shillings (US$285,000), which was increased to more than US$3.5 million (WHO 2001b) by international NGOs including Italian Isituto Superiore di Sanita, MSF, and ICRC, as well as other institutions in Japan and Germany (Maurice 2000). Quick support from the international community played a significant role in containing the outbreak. As stated by the WHO representative in Uganda, “It was as if people thought: there is a disaster somewhere. Let us go and help our brothers,” (Kinsman 2012 p.9).

6.3 Health care systems

Uganda’s healthcare system involved local councils and the community during the outbreak (Okware 2015) through a decentralised structure at the national, district, county and sub-county levels (Table 3). Even though the country’s health system was weak – because of its lack of sufficient health facility resources, its over-dependence on foreign aid in the health sector, and the effect of civil war on its health infrastructure – it was still able to
contain the outbreak in a relatively short period of time. Various reasons explain why.

First, in the Gulu Catholic hospital where the outbreak began, the majority of healthcare workers expressed their concern with the lack of

Table 3: Uganda's decentralised public health service delivery 2000 - 2015

<table>
<thead>
<tr>
<th>Year</th>
<th>Gou Funding</th>
<th>Donor project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health Centre 1</td>
<td>Village health team, with no physical offices.</td>
<td>Village with population of 2,000.</td>
</tr>
<tr>
<td>Health Centre 2</td>
<td>Outpatient clinic only; managed by 1 nursing assistant.</td>
<td>Parish with population of 5,000-6,000.</td>
</tr>
<tr>
<td>Health Centre 3</td>
<td>Outpatient clinic; inpatient clinic with 10-20 maternity beds, general wards; with laboratory, clinical officer as well as a nurse.</td>
<td>Sub County with population of 25,000.</td>
</tr>
<tr>
<td>Health Centre</td>
<td>Outpatient clinic; inpatient clinic with 20 maternity beds; laboratory as well as general wards, blood transfusion support services, caesarean section provided, management by medical officer leading a team of 20 staff.</td>
<td>County with population of 100,00.</td>
</tr>
<tr>
<td>General Hospital</td>
<td>Hospital with 200 beds, laboratory, X-ray facilities, 100 staff and a medical superintend.</td>
<td>District with population of 500,000.</td>
</tr>
<tr>
<td>Reginal referral hospital</td>
<td>400 beds, tertiary services with consultants as well as 200 staff.</td>
<td>Region comprising of 10-15 districts with a population of 1,00,000 - 3,00,000.</td>
</tr>
<tr>
<td>National referral hospital</td>
<td>More advanced tertiary services provided by specialists.</td>
<td>National comprising of 3 hospitals with a population of over 10,000,000.</td>
</tr>
</tbody>
</table>

Source: Okware (2015)
sufficient resources to contain Ebola, with issues hinging on the economics of care. Because of inadequate protective gear, 31 healthcare workers were infected and 17 died (Kinsman 2012).

The capacity of healthcare workers, village health teams, and district health teams in Uganda had been built over the years before and after outbreaks. They learned how to use the community case definitions to be able to detect and report new cases of Ebola to the nearby health facility for additional verification (Mbonye et al. 2014). The fact that Gulu had three hospitals in place – the Catholic hospital, a public hospital, and a military hospital – significantly contributed to the decline of the transmission.

**Table 4: Health financing to Uganda’s health sector**

<table>
<thead>
<tr>
<th>Year</th>
<th>Gou Funding</th>
<th>Donor project</th>
<th>Donor Contribution %</th>
<th>Total</th>
<th>Per capita</th>
<th>Gou Health Expenditure as % of total Gou expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001-02</td>
<td>169.79</td>
<td>144.07</td>
<td>46</td>
<td>313.86</td>
<td>7.6</td>
<td>8.9</td>
</tr>
<tr>
<td>2002-03</td>
<td>195.96</td>
<td>141.96</td>
<td>42</td>
<td>337.92</td>
<td>7.9</td>
<td>9.4</td>
</tr>
<tr>
<td>2003-04</td>
<td>207.8</td>
<td>175.27</td>
<td>46</td>
<td>338.07</td>
<td>8.6</td>
<td>9.6</td>
</tr>
<tr>
<td>2004-05</td>
<td>219.56</td>
<td>146.74</td>
<td>40</td>
<td>336.3</td>
<td>8.0</td>
<td>9.7</td>
</tr>
<tr>
<td>2005-06</td>
<td>229.86</td>
<td>268.38</td>
<td>54</td>
<td>498.24</td>
<td>9.98</td>
<td>8.9</td>
</tr>
<tr>
<td>2006-07</td>
<td>242.63</td>
<td>139.23</td>
<td>36</td>
<td>381.86</td>
<td>7.84</td>
<td>9.3</td>
</tr>
<tr>
<td>2007-08</td>
<td>277.36</td>
<td>141.12</td>
<td>34</td>
<td>418.48</td>
<td>8.4</td>
<td>9.0</td>
</tr>
<tr>
<td>2008-09</td>
<td>375.46</td>
<td>253.00</td>
<td>40</td>
<td>628.46</td>
<td>10.4</td>
<td>8.3</td>
</tr>
</tbody>
</table>

Source: Taylor (2011)

Second, aid flows targeted towards Uganda’s health sector depict a culture of aid dependency (Table 4); as it is 50 per cent donor-funded (Taylor 2011). According to the Ugandan MoH Strategic Plan 2000-2001 to 2004-2005, the government’s committed budget allocation to the health sector from 2000-2001 to 2004-2005 was US$ 954 million, yet in 2000 during the Ebola outbreak in Gulu, it was only US$ 159 million (MoH Uganda 2000). In as much as Uganda’s dependence on foreign aid was detrimental, with support from the CDC, Uganda established an emergency operations centre, which provided well-timed data and maps of the epidemic and thus augmented the effective decision-making needed in the response.
One of the first countries to implement the WHO’s Integrated Disease Surveillance and Response Strategy (IDSR) in the year 2000, Uganda has continually upgraded its surveillance system to detect, report and investigate any Ebola outbreak (Lukwago et al. 2012; Mbonye et al. 2012). This surveillance system enhanced daily tracing of Ebola patients for immediate investigation and isolation, which significantly contributed to the success of controlling the epidemic. The Ugandan government’s ability to build laboratory networks at district and regional hospitals with support from the World Bank allowed the Uganda Virus Research Institute in Entebbe to analyse detected samples of Ebola (Mbonye et al. 2014).

Third, it was dangerous to live within Ebola-affected communities since armed rebels from the LRA took control of the Gulu area by killing and kidnapping people, including healthcare workers involved in controlling the outbreak (Hewlett and Hewlett 2007). Healthcare workers and patients residing in the Internally Displace Persons camps resorted to commuting at night to health facilities, in particular the Italian Roman Catholic missionary hospital in Lacor, Gulu (News24 2000), in order to avoid being abducted by LRA rebels (Okware and Omaswa 2015). This kind of insecurity made rural villages difficult to reach and hindered effective response to the Ebola outbreak. Isolation wards were established in health facilities near affected areas to minimise the distance-transferring patients (Mbonye et al. 2012). At the same time, less movement among people who felt insecure may have limited the spread of the outbreak.

6.4 Community participation

Community mobilisation and public education efforts were rolled out on 14th October 2000, in accordance with guidelines and standards set from previous outbreaks (Lamumu 2004). Lessons learned from previous outbreaks contributed to Uganda’s better responses. Four key institutions existed at the community level: the government, the schools, religious organisations, and the non-governmental organisations (NGOs), all of which were important in educating the community on appropriate behaviour to prevent the spread of Ebola (Okware 2015). The decentralised
governance did not impose travel restrictions without community involvement, as evidenced by the actions of local officials. The decentralised health system and governance acknowledged existing institutions in place, which had local knowledge that the international response teams lacked, and were used by the Acholi in preventing and controlling illnesses (Hewlett and Hewlett 2007). The extensive local protocol used by the Acholi in the event of an epidemic had 15 behavioural changes, including limiting movement between villages; not having sexual relations; not eating rotten or smoked meat or food from outsiders; isolating patients; and burying dead patients (Hewlett and Hewlett 2007). These protocols, which were already in place before British colonisation in the 1800s, were instrumental in Uganda’s successful response to the Ebola outbreak. However, as much as local culture was valued in the Ebola outbreak response, it was disregarded considerably by healthcare workers who emphasised the biomedical model that had already existed in the area for a variety of diseases for more than 100 years, with the Acholi well-versed on how to use them (Allen 2000).

The Ugandan government’s community network of Village Health Team members (VHTs) improved implementation of public health interventions at the community level. Importantly, these community health workers were selected by the community, thus creating an element of trust. Their influence proved to be a crucial resource in responding to the Ebola outbreak. Because they were trusted, they easily conducted door-to-door active case searches, as well as house-to-house health education on Ebola prevention and control (Mbonye et al. 2014). In order to improve community participation among family members who had to take their Ebola-infected relatives to isolation facilities, the government of Uganda provided sustenance through the MoH by giving 70,000 Ugandan shillings (US$40) to families affected, enabling them to replace personal possessions that were destroyed.

Community-based surveillance was strengthened, along with community media briefs that were conducted on a daily basis to reduce the spread of rumours. In terms of social mobilisation and community education, the MoH disseminated educational messages during the outbreak through radio, film, and local newspapers. As a result, handshakes were eliminated in Uganda and replaced with the back of the hand commonly
referred to as “bonga” (Okware 2015). Psychological support providers in Uganda engaged with the affected communities and stigmatised healthcare workers to better understand their mistaken beliefs and uncertainties, taking time to address solutions to these issues, which were then incorporated by the response team (Mbonye et al. 2014).

Local capacity, which was instrumental for social mobilisation, was achieved by engaging political, local opinion and religious leaders, conducting meetings, and disseminating behaviour change messages via community radios (Mbonye et al. 2014). Appreciation of the knowledge, attitudes, practices and beliefs of the communities affected greatly supported social mobilisation interventions. This engagement of local leaders was fundamental to Uganda’s success in containing Ebola in the sense that it ensured the community observed suggested interventions that were put in place to control the outbreak (Mbonye et al. 2014). The community, as a result, played key roles in ensuring the outbreak was contained. For instance, when a suspected Ebola patient ran away from a hospital in Gulu back to her extended family of 73 in Masindi, the community imposed quarantines on all the members of her family to prevent further transmission (Okware et al. 2015).

7. DISCUSSION

Overall, this comparative case study analysis provides evidence for both the theoretical framework and the study’s hypothesis, whose summary of discursive scenarios are shown in Table 5. While recent literature primarily links weak dysfunctional health systems to the slow response, it was the degree of Liberia’s centralised and Uganda’s decentralised governance structures and levels of community participation that were crucial in determining coordination and allocation of resources.

The creation of these governance structures was driven primarily by political-economic factors, as crucial determinants of the financing needed for the highly-debated robust and resilient health systems. This
finding emphasises the bottom-up approach in response to epidemics and disregards the theoretical underpinning of the top-down approach.

Nonetheless, the intersectionality-based policy framework draws attention to the need to consider heterogeneous factors and not draw hasty conclusions. The underlying forces that determine responses to epidemics from the framework’s perspective are not reduced to single explanatory factors. In this vein, the study also illustrates how both Liberia and Uganda’s healthcare sectors are heavily dependent on foreign aid.

While the impact of Structural Adjustment Programmes (SAPs) instituted by the International Monetary Fund (IMF) in the 1980s has not been a proven factor in this study, there is value in future studies examining how IMF loan conditionality limited decentralisation of health care and government spending on social services such as public health, as suggested by Benton and Dionne (2015) and Kentikelenis et al. (2015)

In contrast to Liberia’s Ebola response, one explanation of Uganda’s success in a relatively short period is that, because of transitioning from the political economy of disorder associated with civil war and broken social contracts, Uganda was able to reconstruct and develop its state society relations and capacities. This fairly stable political-economic environment with a cohesive government that was favoured by 90 per cent of the population, made it easier to win the trust and ownership of the community while coordinating and implementing national and international recommendations.

In summary, this study has avoided any generalisations that Liberia’s Ebola response was slow because of lack of political commitment from the government. However, it has shown that it is certainly not the fragility of health systems alone that determined the response. Beyond the centralised systems in place, political-economic factors at the international level are illustrated by the WHO’s slow response, which is assumed to be a result of its budget cut. Even so, as proposed by Goslin et al. (2014) the 2014 Ebola outbreak is a perfect turning point for WHO reform and its funding member states because there is a limit to how it can exercise leadership when it only controls a small percentage of its already thin budget. Due to the lack of treatment vaccines in affected countries, there is a need for new
### Table 5: The basis of comparative political commitment, health systems and community participation discussions using case studies

<table>
<thead>
<tr>
<th></th>
<th>Liberia</th>
<th>Uganda</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Country profiles</strong></td>
<td>• Total population of 4.294 milion as of 2013</td>
<td>• Total population of 37.58 milion as of 2013</td>
</tr>
<tr>
<td></td>
<td>• Ranked 175 out of 187 on the Human Development Index report</td>
<td>• Ranked 167 out of 187 on Human Development Index report</td>
</tr>
<tr>
<td></td>
<td>• 49% of the population lived in urban areas during the outbreak</td>
<td>• 17% of population lived in urban areas during outbreak</td>
</tr>
<tr>
<td></td>
<td>• Has a per capita income of US$410</td>
<td>• Has a per capita income of US$490</td>
</tr>
<tr>
<td></td>
<td>• Experienced 14 years of civil war</td>
<td>• Experienced close to 20 years of civil war</td>
</tr>
<tr>
<td></td>
<td>• Ebola Zaire virus strain linked to outbreak</td>
<td>• Ebola Sudan virus strain linked to outbreak</td>
</tr>
<tr>
<td></td>
<td>• Outbreak had 10,666 cases and 4,806 deaths</td>
<td>• Outbreak had 424 cases and 224 deaths</td>
</tr>
<tr>
<td></td>
<td>• Out of total cases 75% were female</td>
<td>• Out of total deaths 63% were female</td>
</tr>
<tr>
<td></td>
<td>• Outbreak lasted 13 months, 10 days</td>
<td>• Outbreak lasted 4 months, 11 days</td>
</tr>
<tr>
<td></td>
<td>• Outbreak reappeared on 29th June - 12th June 2015</td>
<td></td>
</tr>
<tr>
<td><strong>Political commitment</strong></td>
<td><strong>National Level</strong></td>
<td><strong>National level</strong></td>
</tr>
<tr>
<td></td>
<td>• Plan to decentralise from 2013, faced opposition from political elite benefiting from corruption.</td>
<td>• Top leadership set up broad based government and decentralised power as early as 1986.</td>
</tr>
<tr>
<td></td>
<td>• 78% of total population didn’t trust the GoL during outbreak</td>
<td>• 90% of total population trusted the GoU during outbreak</td>
</tr>
<tr>
<td></td>
<td>• GoL ministries competed for resources, control and donor funding</td>
<td>• Under the Ugandan MoH, outbreak coordination committees; the NTF, DIF and IMTF provided political direction and management of outbreak.</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>International level</strong></td>
</tr>
<tr>
<td></td>
<td><strong>International Level</strong></td>
<td></td>
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<tr>
<td></td>
<td>• WHO waited 4 months, 10 days since declaring Ebola a public health emergency</td>
<td>• WHO responded actively to outbreak, 1 month 12 days since first case was reported</td>
</tr>
<tr>
<td></td>
<td>• It also took 3 months, 25 days for WHO to upgrade Ebola crisis from level 2 to level 3</td>
<td>• Global Epidemic Alert and Response Network was active in Uganda on 6th day after outbreak confirmation.</td>
</tr>
<tr>
<td><strong>Health systems</strong></td>
<td>• Centralised health system</td>
<td>• Decentralised health systems</td>
</tr>
<tr>
<td></td>
<td>• Had fewer than 50 doctors during outbreak</td>
<td>• 50% of health budget is donor funded</td>
</tr>
<tr>
<td></td>
<td>• 58% of health budget is donor funded</td>
<td>• 31 healthcare workers were infected and 17 lost their lives</td>
</tr>
<tr>
<td></td>
<td>• 375 health workers were infected with Ebola ad 189 lost their lives</td>
<td></td>
</tr>
<tr>
<td><strong>Community participation</strong></td>
<td>• GoL declared state of emergency on 6th August 2014 without proper consultation with community.</td>
<td>• Community participation in Uganda was started immediately the outbreak was confirmed to Ebola on the 14th of October 2000.</td>
</tr>
<tr>
<td></td>
<td>• Government did not adequately embrace cost-effective initiatives from below such as Fatu Kekula’s</td>
<td>• GoU acknowledged initiatives from the Acholi and local institutional arrangements used to control epidemics.</td>
</tr>
<tr>
<td></td>
<td>• Community resisted Ebola response due to lack of trust in the GoL as exemplified by youths of King Gray Community.</td>
<td>• Community actively participated in response efforts as a result of being engaged by GoU creating sense of ownership.</td>
</tr>
<tr>
<td><strong>Conclusion</strong></td>
<td>Liberia’s top leadership, benefiting from decentralised corruption, opposed decentralisation plans. As a result, 78% of the total population lacked trust in the GoL, making it difficult to guarantee effective coordination of interventions aimed to control the outbreak in the communities</td>
<td>Political commitment from Uganda’s top leadership ensured a decentralised government was in place before the outbreak. As a result, this government was favoured by 90% of the total population, making it easier to mobilise community support and trust during the outbreak.</td>
</tr>
</tbody>
</table>

Source: own compilation
ideas in global health such as how to finance research and development of vaccines for poor countries in order to avoid pharmaceutical incentive structures that are based on profits favouring commercial interests over public health concerns.

**CONCLUSION**

This study examines the factors behind Uganda’s success in effectively controlling Ebola in a relatively short period compared to Liberia. It argues that historical and present-day political economy at the national and international levels determine political commitment, building of robust and resilient health systems, and community participation. It tests this hypothesis through a comparative analysis of Liberia and Uganda, and finds that countries with political will are more likely to employ bottom-up approaches and decentralised power structures, which in turn enhance community ownership, trust, coordination, and interest from various actors involved in epidemic response.

Overall, these findings lend strong support to structural violence theories. Efforts to control epidemics should also incorporate the structures of the very political institutions that contribute to global and national political-economic inequalities, poverty, corruption and lack of access to resources (Garrett 2003; Farmer 2005; Hewlett and Hewlett 2007). Mobilising local communities so they can fight for well-functioning, robust and resilient health systems should be part of the measures for controlling future Ebola epidemics. This ensures countries allocate substantial amount of resources towards health, by involving civil society. While the impact of authoritarian and democratic regimes’ epidemic responses has not been proven in this analysis, there is great value for future research, in addition to studying the impact of a military-led response and securitisation of global health.

Despite this study’s limitations, it has important policy implications. First, the findings show that controlling epidemics such as Ebola involves not only changing behaviours or beliefs of a group of people or building
resilient health systems, but also political commitment. Second, without political commitment and support at the national and international level, the development of robust health systems as well as inclusive participation from the community are equally affected. Third, countries with decentralised governance structures and health systems with political stability provide a favourable environment for easier coordination among actors involved. Therefore, understanding these implications and patterns may inform future responses to Ebola epidemics.

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## ANNEX

### Table 1: 2014 & 2015 funding for the Ebola response

<table>
<thead>
<tr>
<th>Implementing partner</th>
<th>Activity</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>African Union</td>
<td>Health</td>
<td>Guinea, Liberia, Sierra Leone</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>CDC</td>
<td>Health</td>
<td>Guinea, Liberia, Sierra Leone</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>iMMaP</td>
<td>Humanitarian coordination and information management</td>
<td>Guinea, Liberia, Sierra Leone</td>
<td>$385,990</td>
</tr>
<tr>
<td>UNICEF</td>
<td>Health, Protection</td>
<td>Guinea, Liberia, Sierra Leone</td>
<td>$1,100,000</td>
</tr>
<tr>
<td>UN Humanitarian Air Service (UNHAS)</td>
<td>Logistics Support and Relief Commodities</td>
<td>Guinea, Liberia, Sierra Leone</td>
<td>$250,000</td>
</tr>
<tr>
<td>OCHA</td>
<td>Humanitarian coordination and information management</td>
<td>Guinea, Liberia, Sierra Leone</td>
<td>$2,042,536</td>
</tr>
<tr>
<td>USAID/OFDA -</td>
<td>Logistics Support and Relief Commodities</td>
<td>Guinea, Liberia, Sierra Leone</td>
<td>$19,026,877</td>
</tr>
<tr>
<td>Overseas Development Institute</td>
<td>Humanitarian Studies, Analysis of Applications</td>
<td>Guinea, Liberia, Sierra Leone</td>
<td>$30,011</td>
</tr>
<tr>
<td>Tufts University</td>
<td>Humanitarian Studies, Analysis of Applications</td>
<td>Guinea, Liberia, Sierra Leone</td>
<td>$558,504</td>
</tr>
</tbody>
</table>

**Liberia**

<table>
<thead>
<tr>
<th>Implementing partner</th>
<th>Activity</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Action contre la Faim (ACF)</td>
<td>Health, Protection, WASH</td>
<td>Liberia</td>
<td>$1,013,803</td>
</tr>
<tr>
<td>American Refugee Committee (ARC)</td>
<td>Health</td>
<td>Liberia</td>
<td>$7,633,633</td>
</tr>
<tr>
<td>BRAC</td>
<td>Protection</td>
<td>Liberia</td>
<td>$1,177,902</td>
</tr>
<tr>
<td>CARE</td>
<td>Health</td>
<td>Liberia</td>
<td>$1,652,992</td>
</tr>
<tr>
<td>ChildFund</td>
<td>Health, Protection</td>
<td>Liberia</td>
<td>$3,502,025</td>
</tr>
<tr>
<td>Concern</td>
<td>Health, Protection</td>
<td>Liberia</td>
<td>$6,806,343</td>
</tr>
<tr>
<td>Catholic Relief Services (CRS)</td>
<td>Health</td>
<td>Liberia</td>
<td>$960,447</td>
</tr>
<tr>
<td>Global Communities</td>
<td>Health</td>
<td>Liberia</td>
<td>$32,076,365</td>
</tr>
<tr>
<td>GOAL</td>
<td>Health</td>
<td>Liberia</td>
<td>$4,702,667</td>
</tr>
<tr>
<td>Heart to Heart International</td>
<td>Health, Protection</td>
<td>Liberia</td>
<td>$7,001,161</td>
</tr>
<tr>
<td>International Federation of Red Cross and Red Crescent Societies (IFRC)</td>
<td>Health</td>
<td>Liberia</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>International Medical Corps (IMC)</td>
<td>Health, Protection</td>
<td>Liberia</td>
<td>$34,619,248</td>
</tr>
<tr>
<td>IOM</td>
<td>Health, Protection, WASH</td>
<td>Liberia</td>
<td>$39,021,886</td>
</tr>
<tr>
<td>International Rescue Committee (IRC)</td>
<td>Health, Protection</td>
<td>Liberia</td>
<td>$22,619,332</td>
</tr>
<tr>
<td>Jhpiego</td>
<td>Health</td>
<td>Liberia</td>
<td>$2,814,287</td>
</tr>
<tr>
<td>John Snow Inc. (JSI)</td>
<td>Health</td>
<td>Liberia</td>
<td>$7,233,653</td>
</tr>
<tr>
<td>Medical Teams International (MTI)</td>
<td>Health</td>
<td>Liberia</td>
<td>$4,702,901</td>
</tr>
</tbody>
</table>

Source USAID (2015)
Reasserting the personal: moving beyond cultural and patriarchal explanations of female genital cutting

Kat Hymas
MSc student in the Gender Institute at the London School of Economics and Political Science
Female genital mutilation (FGM) has been documented in 28 African countries, as well as a number of countries in the Middle East and Asia. Between 100 and 140 million girls and women worldwide have been cut. The paradox that lies at the heart of FGM is that the women who are cut are often the strongest proponents of the practice, while men in the countries where FGM is performed make up the majority of the opposition to it. This opens the question: What is the meaning behind FGM, including its roots, motivations and value? Adopting a post-colonial framework, this paper explores current explanations for the practice presented by Western academics. This work will contend that their approach has been reductive, as they have attributed FGM to surface-value, Western-laden rationales of culture or patriarchy. Further, this thesis develops a synoptic account of the practice from the point of view of those many African women for whom the practice is both normal and desirable. This paper argues that power lies at the heart of the issue of FGM, acting as a tool woman use to assert their authority and increase their influence in patriarchal societies.
INTRODUCTION

‘New Three-Point Plan Launched by Campaigners in Bid to Tackle Barbaric FGM’ (Davis, 2014).

*London Evening Standard (6 March 2014)*

‘How Children in Somalia are Brainwashed into Believing Female Genital Mutilation is Acceptable’ (Daily Mail Reporter, 2014).

*Daily Mail (3 March 2014)*

‘Female Genital Mutilation Victim Aged Just Seven’ (Burns, 2014).

*BBC (24 June 2014)*

In the past year, female genital mutilation (FGM) has been frequently featured in newspapers across Britain. The prevalence of FGM in the mainstream media reflects the fact that eradicating the practice has become a value of global gender equality, and there has been a rise in initiatives aimed at eliminating it. The media often characterises the practice, demonstrated by its choice of language and particular angle on articles, as an “ancient tribal ritual”, associated with Islam and patriarchy. Such a depiction furthers the notion that the practice is primitive and oppressive. Not only does much of the British media tend to portray the practice this way, but also so do many Western academic writings about FGM. Such an approach fails to take into account the local contexts and realities of the practice. This paper will deconstruct some of these assumptions and preconceptions, by questioning why FGM has been shown in such a way and how this shapes the West’s response. Further, this work will offer an alternative understanding of why FGM continues to be practised widely.

The West’s terminology is symptomatic of its approach. A reclassification has taken place recently: “female circumcision” has become “female genital mutilation”. Activists in the West and international organisations have agreed that FGM is the appropriate term to describe the practice, as it gives weight to its severity, seemingly signifying a universal decision. However, those communities where it occurs, and those who represent them, have protested.
In the first half of the twentieth century the practice was referred to as female “circumcision”. With the development of international women’s health movements, objection to this term grew. Cultural sociologist Rosemarie Skaine (2005:7-8), for example, argues that it does not give enough weight to the severity of the practice. Furthermore, Ellen Gruenbaum (1996:456), a medical anthropologist specialising in cultural research, contends that the use of “circumcision” trivialises as it echoes the removal of the male foreskin, which is far less damaging. The term has become somewhat out-dated in the West. However, female “circumcision” continues to be used in the societies where the practice occurs, highlighting the difference between how it is perceived in the West and Africa (Shell-Duncan and Hernlund, 2001:6).

In the 1980s, these criticisms resulted in the introduction of the term “female genital mutilation” or “FGM”, which now has precedence (Rahman and Toubia, 2000:x). International organisations and anti-FGM activists, such as Efua Dorkenoo (1994:4), a representative from the Foundation for Women’s Health Research and Development (FORWARD), maintain that “any definitive and irremediable removal of a healthy organ is mutilation.” However, the use of the word “mutilation,” as Elaine Eliah (1996:13) asserts, implies “excessive judgement by outsiders and insensitivity toward individuals who have undergone the procedure.” In this way, “mutilation” can evoke a sense of superiority for those who do not practice it over those who do, enforcing prejudice. Additionally, it can offend the individuals in these communities, dismissing their agency by failing to respect them.

Members of the Uganda-based initiative, Reproductive, Educational and Community Healthy Programmes (REACH), proposed the use of “female genital cutting,” or “FGC,” in 1999, declaring FGC less offensive yet still precise and accurate (Newsweek, 1999:46). FGC therefore both gives these communities a voice in defining their own practice and begins to break away from a term that denotes condemnation.

Although “mutilation” conveys judgement, the majority of writings on the topic employ this term. To therefore maintain consistency and use their wording in this paper, FGM will be used when referring to publications on the topic. However, a genuine understanding of the practice comes only
from engaging with and listening to those who enact it. Therefore, in the context of speaking or referring to women who have been cut, this work will respectively use female “circumcision” or female genital cutting (FGC). The contentious terminologies reflect wider disagreements over what procedures should be included in a description of the practice. The World Health Organisation’s (WHO) definition of FGM is the most dominant and widely used classification of the practice (figure 1).

**FIGURE 1: WHO DEFINITION OF FGM**

**Female genital mutilation definition:**
Female genital mutilation (FGM) comprises all procedures that involve partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons.

Female genital mutilation is classified into four major types:

1. **Clitoridectomy:** Partial or total removal of the clitoris (a small, sensitive and erectile of the female genitals) and, in rare cases, only the prepuce (the fold of skin surrounding the clitoris).

2. **Excision:** Partial or total removal of the clitoris and the labia minora, with or without excision of the labia majora (the labia are “the lips” that surround the vagina).

3. **Infibulation:** Narrowing of the vaginal opening through the creation of a covering seal. The seal is formed by cutting and repositioning the inner, or outer, labia, with or without removal of the clitoris.

4. **Other:** All other harmful procedures to the female genitalia for non-medical purposes, for example pricking, piercing, incising, scraping and cauterising the genital area.

*Source: (WHO, 2014).*

Facts and figures on the prevalence rates of FGM have been documented (figures 2 and 3). This work will focus on these African countries for the sake of scope. However, it is important to acknowledge it is not an African phenomenon.

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1 Quotations will be used when referring to female “circumcision” to acknowledge the inaccuracy of the term.
The WHO estimates that between 100 and 140 million girls and women alive today have undergone FGM worldwide.

Estimates indicate that 91.5 million females, above the age of nine years old in Africa, are currently living with the consequences of the operation.

There are an estimated three million girls in Africa at risk of being cut each year.

FGM has been documented in 28 African countries and in the Arab peninsula, Indonesia, Malaysia, as well as among immigrant communities worldwide.

Source: (WHO, 2014).

Map of FGM prevalence:

The map below highlights the 27 countries of Africa and the Middle East in which FGM has been reported since 1997. Additionally, it shows the percentage of girls and women aged between 15 and 49 who had the operation between 1997 and 2006. Rates vary by ethnicity and across and within countries.

Source: (UNICEF, 2007).
FGM can result in medical complications (figure 4).

**FIGURE 4: THE HEALTH FACTS**

<table>
<thead>
<tr>
<th>The Health Facts:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short-term complications of FGM –</td>
</tr>
<tr>
<td>▶ Haemorrhage.</td>
</tr>
<tr>
<td>▶ Shock.</td>
</tr>
<tr>
<td>▶ Acute urinary retention.</td>
</tr>
<tr>
<td>▶ Damage to other organs.</td>
</tr>
<tr>
<td>▶ Infection.</td>
</tr>
<tr>
<td>▶ Failure to heal.</td>
</tr>
<tr>
<td>▶ Death.</td>
</tr>
<tr>
<td>Long-term complications of FGM –</td>
</tr>
<tr>
<td>▶ Difficulty passing urine.</td>
</tr>
<tr>
<td>▶ Urine trace infection.</td>
</tr>
<tr>
<td>▶ Difficulties with menstruation.</td>
</tr>
<tr>
<td>▶ Chronic pelvic infection.</td>
</tr>
<tr>
<td>▶ Infertility.</td>
</tr>
<tr>
<td>▶ Vulva abscess/cyst.</td>
</tr>
<tr>
<td>▶ Neuroma.</td>
</tr>
<tr>
<td>▶ Keloid scarring.</td>
</tr>
<tr>
<td>▶ Fistula.</td>
</tr>
<tr>
<td>▶ Increased risk of perineal trauma during delivery.</td>
</tr>
<tr>
<td>▶ Postpartum haemorrhage and perinatal death.</td>
</tr>
<tr>
<td>▶ Sexual, psychological and psychosexual difficulties.</td>
</tr>
</tbody>
</table>

Sources: (FGM National Clinical Group, 2012).

The paradox that lies at the heart of the discussion around FGM is that the women who are cut are often the strongest proponents of the practice (Ladjali, Rattray and Walder, 1993:406), while the men in these communities are the primary opposition (UNICEF, 2013:58/62-64). This begs the
question of what is the meaning behind FGM; its roots, motivations and value.

Eradicating FGM is a key goal in achieving global gender equality, yet limited attempts have been made to take into account the local realities of the practice resulting in reasons for its survival falling into two reductive categories: culture and patriarchy. Adopting a post-colonial framework, this work will argue the consequence of such an approach is that the topic is then viewed through a Western hegemonic lens, depicting FGM as “barbaric” and “subjugating”.

Following on, this paper will argue that in order to develop a more meaningful understanding of FGM, academics must move beyond surface-value, Western-laden explanations, and instead develop a synoptic account from the point of view of the many African women for whom the practice is both normal and desirable. Such an account, using the context of the patriarchal structure of these societies coupled with the voices of women who are cut, suggests that the paradox and meaning of FGM can be explained through an analysis of the role and distribution of power in these communities.

2. METHODOLOGY

Interviews were conducted for this paper in order to create a theory using real life accounts.

A semi-structured interview technique was used, defined by political scientist Roger Pierce (2008:118) as using specific questions prepared in advanced and allowing new ideas or topics to be brought into the discussion. For example I prepared the question, “What do you believe is the main reason women are cut?” and then my next question would depend on the participant's reply. My analysis of the interviews involved reading through notes, looking for links, and searching for contradictions to the theoretical literature. The advantage of this method is it allows the interviewee to have more control over the interview. The participant could explore feelings they felt were important, while I could focus on a
particular point raised and be sensitive if a topic seemed upsetting to the interviewee. As Peter Burnham (2008:219), professor of political science and international studies, states, this model is beneficial as it acts as an “extended conversation.”

Interviews were conducted with women who had been cut or those who worked closely with them. Information provided by four interviewees will be used in this thesis: Elizabeth, an Ijaw woman from Nigeria and a second-generation migrant, did not undergo FGC, though it is practiced in her ethnic group and she spoke about the views of the many women in her family who did; Amy, a midwife who set up one of the first clinics in the UK specialising in treating women who have been cut, told stories from her clients; Ayan, an FGC survivor and campaigner who was brought up in the UK but taken back to Somalia at the age of seven to be cut, reflected on her personal experiences; finally, Sarah, who works at a UK-based campaign and support organisation dedicated to the issue of FGC, described what she encountered while working with women in African societies who have undergone FGC. The information provided by these women forms the basis of the theory presented in this work.

3. WHERE ARE THE VOICES AMONGST “SAVAGERY”? TALES OF CULTURE AND PATRIARCHY

Skaine's verdict that “the issue [of FGM] pits the West against Africa” (Skaine, 2005:98) highlights how the practice has become the most widely publicised measure of the North's “superiority” against the “underdeveloped”, “uncivilised” South. Many Western academics' analyses, ideas and conclusions on FGM exemplify the notion of the North being “advanced” in comparison to the “backward” South. Such a sense of superiority confirms the global hierarchy of “developed” and “underdeveloped” nations. This process of division and devaluation has been used in different ways and

2 All participants were fully informed about the nature, purpose and uses of my research, giving fully informed consent and were not harmed in any way. For the purpose of confidentiality, interviewee’s real names will not be used in this work.
contexts since the development discourse came to the fore in the 1940s and 1950s. Certain issues highlight this, such as the portrayal of mass starvation in East African in the 1980s, and more recently, corrupt governments in the global South. Today, FGM has become such a symbol.

How has it come about that FGM has become a symbol of the subjugation of the “subordinated”, “victimised”, “Third World woman” by patriarchal oppression? One way of attempting to understand this question lies in applying post-colonial feminist critiques of the construction of women in the development discourse. Post-colonial feminists, such as Chandra Mohanty (2011) and Kriemild Saunders (2002), critique universalist ideas that have produced an essentialist conception of womanhood. This conception of women has infiltrated into development thinking resulting in the production of a “Third World woman”: a “singular monolithic subject” who leads a “truncated life” based on her sex and being from an “underdeveloped” nation (Mohanty, 2011, pp. 83-84). This woman is contrasted with the educated, liberated Western woman who has control over her own life (Saunders, 2002, p.14). Consequently, the “Third World woman” is portrayed as a “helpless victim” of patriarchy and poverty. For post-colonial feminists, the notion of this woman is problematic. It homogenises women from the Global South therefore erasing all notions of difference resulting in the realities and context of these women’s lives being rendered invisible (Mohanty, 2011). Furthermore, it is rooted in Western perceptions, which results in the conception of the “Third World woman” being grounded in Western academics own hegemonic ideas of the issues facing these women (Saunders, 2002).

Much of the Western FGM literature has accepted the depiction of the “Third World woman” as the starting point to explain the motives behind the practice. The women who face FGM have therefore been represented as “passive victims” of male violence. As a result, the practice has been blamed on the oppressive nature of “Third World” patriarchy. Yet this reductive response silences the African women and undermines their ability to battle against their own problems, therefore doing little to understand the practice. The patriarchal explanations given by academics, such as writer,
feminist and activist Fran Hosken who became known for her research into FGM and was influential in bringing the practice to the attention of the international community, highlight this ethnocentric approach.

### 3.1 Sexuality

The central argument declared by academics who claim that FGM is a result of male dominance is that the practice is a tool used by men to control women’s sexuality. Hosken (1982:11) is the key scholar who contends this, stating that society realised at a very early stage that female sexuality was incredibly powerful, therefore men feared it. Consequently, she asserts that FGM was introduced to these communities, as it would curtail women’s sexuality by minimising sexual pleasure (Hosken, 1982, p. 3). This supposedly kept women under the control of men, thereby reinforcing the patriarchal system with all of the constraints it places on women (Hosken, 1982:2). As Hosken (1982:2) states, the central ‘intention’ of FGM is to destroy women’s sexuality, ‘ensuring submission to male exploitation and demands’.

Problematically, a concept of female sexuality that is based on Western perceptions is central to this argument. An examination of sexual identity by Melissa Parker (1995, p. 516-517), a medical anthropologist who carried out research on FGM in Sudan, highlights that in the West today, women’s power and self-determination is linked to the clitoris, as this is where sensitivity is concentrated. However, this is a recent way of thinking; older views offer alternative understandings of female sexuality. Sigmund Freud, for example, maintained that ‘sensitivity in the adult women is and should be vaginal’ (Hansen, 1972, p. 3-22). It can therefore tentatively be suggested that conceptions of sexuality cannot be assumed to apply to all time periods in the Western world, let alone cross-culturally. Yet Hosken has used recent Western constructs of female sexual identity and applied them to African women, concluding that the removal of the clitoris, as it is a metaphor for women’s power, is oppressive.

However, the sexual identity of women in the societies that practice FGM is not defined within this framework. Gender identity, or becoming a
true woman, seems to be connected and formed by being physically altered, as it establishes femininity (Gruenbaum, 2001, p. 67-68). As Gruenbaum (2001, p. 67-68) explains, the clitoris in Sudan is seen as the male genital organ. Removing it therefore enhances femininity, which in turn empowers the young girl (Gruenbaum, 2001, p. 67-68). When culturally specific notions of female sexual identity are applied to FGM, it becomes clear that imposing Western concepts distorts the meaning of the practice.

Additionally, an exploration of women's sexual behaviour in the West highlights that it is usually defined with regard to pleasure from sexual experiences. This is illustrated by sexual gratification coming from orgasm. According to Hosken, FGM minimises women's sexual pleasure, and therefore the practice is seen as a form of control. However, in the communities that practice FGM, sexual behaviour is not necessarily constructed in this way. Janice Boddy's (1982, p. 688) research in Sudan emphasises the link between sexual behaviour and reproduction, contending that sexual gratification is marked for women by producing children. Thus, employing Western ideas of sexual behaviour presents women in these African societies as victims of patriarchy, their sexual pleasure inhibited by men. However, such an approach misrepresents the reality of the local communities where FGM exists.

### 3.2 Aesthetics

Hosken supports her assertion that FGM is a form of patriarchal control with the “aesthetics” argument. The logic states that in the communities that practice FGM it is believed that uncut girls are unsanitary and dirty (Dirie, 1999:67). Thus, it is widely held that FGM makes girls ‘pure’, ‘clean’ and ‘smooth’ (Parker, 1995:510). Hosken (1982:2-3) argues these are qualities demanded by men in order to allow women to have sexual intercourse with their husbands. This borne out in the current media coverage of FGM in Britain that features close up pictures of women's real mutilated vaginas to shock Western readers. The pictures turn the practice into a distance, horrific act, which is portrayed as being the result of patriarchal control.
The problematic element of this argument is that it seems hypocritical given that many women in the West suffer deeply from patriarchal pressures to conform to male ideals of physical perfection. As a result of viewing FGM through a Western lens, where male ideas of what is attractive influence women, Hosken has attributed the practice to male notions of beauty. In reality, the evidence implies that it is actually women who believe FGM makes them more beautiful. Cultural anthropologist and psychologist Richard Shweder (2002:224), for example, states in his research that women believed FGM makes them more attractive, while Dorkenoo (1994:40-41) asserts it is the women who believe FGM makes them ‘smooth’, ‘clean’ and ‘refined’. Consequently, rather than the practice resulting from women being forced to conform to male concepts of what is aesthetically pleasing, it seems the women themselves are determining what is attractive.

Imposing a Western framework on FGM simplifies the motives behind the practice to male domination. Such an approach silences the women who are cut therefore preventing understanding of the practice based on the reality of these women’s lives. Perhaps some Western academics are projecting the problems in their own societies onto other communities in order to legitimise the patriarchal values that shape Western life. These African women are supposedly less sophisticated than white Western women therefore they must also suffer from the negative aspects of male domination that many Western feminists struggle against. Perhaps it should be considered that Western perceptions of beauty and disfigurement are not universal. Instead it might be acknowledged that a cultural divide exists around the world in reaction to female genital surgeries.

3.3 Virginity

Implicit in the previous argument is a belief that FGM serves a clear and compelling purpose: ensuring virginity. As aforementioned, Hosken (1982:4) states that men in these societies believe women have an uncontrollable hunger for sex, hence they must be cut in order to preserve virginity. As Malika Ladjali, Tracey Rattray and Rupert Walder (1993:406) assert, virginity ensures marriage. Marriage is the only possible career for
women in these societies, and therefore it is highly important they are suitable, they contend (Ladjali, Rattray and Walder, 1993). Consequently, FGM is viewed as a result of patriarchal constraints, as a man will only marry a virgin; the issue lies with male demands.

The difficulty with this argument is that through the emphasis on male dominance, these African women are portrayed as “helpless victims”, removing their agency. The role of marriage and agency of women will be explored in full in the forthcoming section. What is important to note here is that works by Hosken, Ladjali, Rattray and Walder are shaped by Western hegemonic ideas of the “Third World woman” as a victim of male violence, therefore placing the rationale behind FGM on male obsessions with virginity in these communities. This response renders African women as passive; lacking agency therefore removes their voice and prevents their needs and desires from being heard.

Much of the current Western literature on FGM has viewed the practice through a hegemonic lens shaped by concepts developed in the West. Consequently, Western constructions of African life are imposed on these societies, and FGM is forced to fit into these notions. The conclusions that many Western academics then draw for the motives behind the practice lead to a compromised analysis that distorts reality. In order to develop a deeper understanding of the meaning of FGM, scholars must move beyond a prejudicial response. They must place the issue in a wider context of the framework of these communities and listen to the previously silenced voices of the women.

4. THE WOMAN’S BODY AS A SITE OF POLITICAL STRUGGLE: TALES OF WOMEN AND POWER

The paradox that lies at the crux of the practice of FGC is that the women who are cut are often the strongest proponents of the practice and who in fact carry out the procedure (Ladjali, Rattray and Walder:1993:406). Women are the direct agents of FGC, ensuring the preservation of the
practice. Hosken (1982:52) asserts this is a result of women internalising male dominance, as if women are empty shells acting out patriarchy, without agency or thought of their own. While this contention cannot be completely discounted, it simply feeds into the victim narrative that prevents a more complex understanding of FGC. Thus, this paper maintains that the practice is kept within the women’s sphere – controlled, upheld and performed by women. Yet it cannot be argued that women want to have their genitals cut. The pain and suffering they recount as a result of the practice suggests women do not want to undergo FGC (Ayan, 2013). The story is therefore very complex: it is not enough to simply acknowledge women’s role in the practice. The question arises, if women are the perpetrators of FGC, but do not want it, why does the practice continue?

Responsibility could perhaps be placed back on men and their demands. However, the main body of resistance to FGC in the countries where it is practiced comes from men. A 2013 UNICEF (2013:58/62-64) study overviewing FGC in 29 practicing countries, mainly in Africa, concluded that the majority of men and boys in communities where FGC takes place oppose it. Furthermore, research by Boddy (1982:686) in Sudan suggests that men prefer sexual relations with uncut women, or at least those who are less severely circumcised. As a result, FGC cannot be wholly attributed to male attitudes, and the assumption that the practice is solely a manifestation of patriarchal control must be rejected. Thus, the question arises, if neither men nor women want FGC, why does the practice continue?

Many Western academics have ignored or misinterpreted such questions, instead presenting surface-value, Western-laden explanations. African women have been granted little agency in these debates, yet women are the perpetrators of the practice. This paper will offer a more multifaceted synoptic account from the point of view of these African women. Western academics cannot speak for those women who have undergone FGC, and this work does not aim to do so either. Rather, this paper offers a theory of why the practice continues, using anthropological research conducted by scholars, real life accounts published by those that have been cut, and interviews with women who have experienced FGC or who have worked
with those who have. Thus, the subsequent conclusions have been gleaned from hearing the voices of women\textsuperscript{3}.

One way of attempting to understand the previous paradoxes lies in analysing the role of power which structures the lives of these men and women. As a result of the way FGC has been examined by some Western academics, power has often been viewed in binary terms: ‘men exploit women, women are exploited’ (Mohanty, 2011:86). Yet in order to try and answer the previous questions, this needs to be dismantled and replaced with a relational view of power. Furthermore, gender relations between men and women should be regarded as interconnected, so dominance and subordination between them reinforce each other. These gender relations also intersect with the structure and rules of society. Thus, a multifaceted explanation of the meaning of FGC begins to appear: these societies, and the women who live in them, are governed by a patriarchal structure, where, for example, male children are valued over female children and will inherit all their fathers’ property (El Saadawi, 1980:41). Gender relations are such that men have ultimate authority over women. This framework outlines the parameters of power women can have, which lie within the family (Dorkenoo, 1994:45). Women then utilise this power to assert themselves, within the limits they have been given, which in this case manifests itself in women’s bodies. In turn, this can, and arguably FGC does, uphold the patriarchal structure of society. In light of this relational view of power, this section will explore the realities of the lives of each generation or group of women in these African communities – the girls, the mothers, the grandmothers and the circumcisers.

4.1 The Young Girls

FGC is performed on female children, with three million girls cut every year, on average at the age of eight (WHO, 2014). It is important to acknowledge these children and recognise that they are the ones who undergo the procedure. Yet when examining the meaning behind FGC, these girls are not central to the discussion. Waris Dirie (1999) is from

\textsuperscript{3} It should be noted increased collection of primary evidence, particularly with FGC survivors, is an area of further research that would be useful to support and build on this work’s conclusions. I am currently working with Somali FGC survivors in the UK to strengthen and extend the ideas presented in this paper.
Somalia and underwent FGC at the age of five, subsequently writing a book called Desert Flower about the experience and effects it had on her life. She eloquently epitomises the situation for these children, stating they are 'little girls with no voice' (Dirie, 1999:349). This infers these young females do not have any agency in the decision to be cut; it is forced upon them. Although these girls are not necessarily non-consenting, they are certainly uninformed and un-consulted (Dirie, 1999). At this age, therefore, they do not contribute to the continuation of the practice. Adult females, particularly mothers, are the people guarantying these girls are cut.

4.2 The Mothers

Mothers across most practicing regions tend to be the actor ensuring their daughters’ genitals are cut (Dirie, 1999:64). The majority of African communities that practice FGC are patrilineal societies, where resources and power are based on descent through the male line, making them male-dominated and controlled groups (Dorkenoo, 1994:45). Thus, one of the central roles of a woman is to be the mother of a son who can step into this lineage (Dorkenoo, 1994). These are the patriarchal constraints that govern the lives of these women.

Within this framework, Boddy (1982:687) asserts that women are given social value as mothers of men. This is one of the limited forms of power women have in these communities. Their ultimate goal, Boddy (1982:687) continues, therefore becomes to co-found a family line with their husbands and to emphasise and enhance their role in doing this. These factors infer that within the structure of these communities, the only power available to women is their potential fertility. Thus, asserting the importance of this perhaps is a form of advancing their position. Boddy (1982:687) contends this manifests itself as FGC, as the ‘act brings sharply into focus the fertility potential of women’.

The question arises as to how the practice of FGC highlights women’s fertility. It is widely held that FGC makes girls “clean” and “smooth”, suggesting that “circumcision” purifies them (Parker, 1995:510). The womb therefore becomes a virtuous sanctuary to house a child. Furthermore, the
practice encloses a woman’s womb so it becomes virtually impenetrable. A woman’s fertility is therefore protected until she marries, assuring her husband of the child’s paternity. Boddy (1982:696) discovered that these factors, when coupled together, emphasis how precious both fertility and a women’s reproductive potential are in society. This stresses women’s indispensability to society as the mothers of sons who can continue the family line. As a result, when a woman bears children, she attains social importance and respect, which in turn advances her position in society (Boddy, 1982:687). Consequently, when a woman marries and activates her fertility (reproducing sons) she gains a newfound status, which translates into power. Thus, FGC is a symbolic practice that women use to assert themselves.

Within the patriarchal structure of these societies, women have a small amount of power that lies in their reproductive organs. In order to transform that power into something more substantial, mothers ensure their daughters undergo FGC to highlight the indispensability of their fertility. As a result, when they give birth to children, their daughters gain status and a higher position in society. Thus, women have utilised the power available to them within the parameters available to negotiate an increased amount of social authority.

The foundation of this theory lies in an interview I conducted with Elizabeth, an Ijaw woman from Nigeria. Elizabeth was not cut as her father opposed it and remembers her fathers’ sadness as he told his three daughters about FGC, highlighting the argument that men constitute a large majority of those challenging FGC. Elizabeth’s mother was cut as a child and she spoke in this interview about conversations she has had with her female relatives about why her mother was “circumcised”. Elizabeth’s grandmother saw the practice as a duty she had to ensure Elizabeth’s mother underwent. Elizabeth explained that the only career for women in Ijawland is marriage, and her grandmother believed that no man would marry Elizabeth’s mother without “circumcision”. Elizabeth’s contention at this point seems to suggest that FGC is a result of male demands for marriage. When questioned about

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4 The information in this paragraph comes from my own interview with Elizabeth on 1 March 2014.
this, Elizabeth rejected such a notion. She explained that Ijaw men, like her father, had begun to oppose the practice but it was the women in her community who ensured its continuation. The paradox Elizabeth describes, that lies at the heart of this thesis, seemed impossible to understand. Elizabeth explained that her grandmother recited to her over and over that the aim for women is to marry in order to give birth to sons. Childbirth, Elizabeth continued, acts as the path to prosperity and power for women. Women who had sons were given ultimate respect and granted a higher position in Ijaw society. The interview with Elizabeth therefore brought to light this connection between FGC and fertility.

In recent years, the FGC literature has begun to include papers by women who have themselves been cut. Fumambai Ahmadu is one such woman and the argument in her article, Rites and Wrongs: An Insider/ Outsider Reflects on Power and Excision, supports the theory presented in this work. Ahmadu is a Kono woman, an ethnic group from the northern region of Sierra Leone. Although she was born in Washington, D.C. and spent most of her life there, during the Christmas of 1991, when she was in her last year at university, Ahmadu was taken back to Sierra Leone to be “circumcised”.

Ahmadu (2001:289) asserts that a meaningful analysis of FGC cannot be developed without ‘an appreciation of women’s power and influence in Kono’ communities. The reason for this authority is the result of women’s role in female secret societies, known in the Kono area as the Bundu, as they are responsible for FGC (Ahmadu, 2001:287). Since the practice transforms girls into women - defined by their potential reproductive capacities - the Bundu are in control of ‘the most critical resource in society: women’s fertility’ (Ahmadu, 2001:289). This implies in this community women’s social values lie in their reproductive capacity. In turn, Ahmadu’s description suggests that by taking ownership of women’s potential fertility, the women in the Bundu are utilising the power of female reproduction to increase their own influence in Kono society. Every woman in the Kono group becomes a member of the Bundu when she reaches adulthood. In Ahmadu’s portrayal, therefore, the Bundu can be seen as the mother ensuring her daughter is
cut, so her daughter will then become a member of the Bundu and gain the power that comes with it. Ahmadu’s depiction of Kono life supports the argument in this paper that FGC is a symbolic practice that women use to assert themselves.

4.3 The Grandmothers

The oldest generation of women in African societies, the grandmothers, are the strongest proponents insisting on FGC (Boddy, 1982:686). Throughout their lives, these women have been oppressed by the patriarchal structure of the community in which they live (El Saadawi, 1980:41). This is illustrated by the fact a woman will be summoned to her husband’s house for sexual intercourse, which she cannot refuse and the woman will have been one of many of her husbands wives, having to compete for his attention and resources (El Saadawi, 1980).

Efua Dorkenoo (1994:49), a Ghanaian woman who has campaigned against FGC for almost three decades contends that this changes the older a women gets. After menopause, women do not need to be controlled by patriarchal society, as they are no longer fertile (Dorkenoo, 1994:49). As a result, these women gain a newfound status, one that resembles that of men (Dorkenoo, 1994:49). This translates into power and influence, yet the patriarchal framework limits women to only being able to exercise this authority within the domestic sphere (Dorkenoo, 1994:45). These factors perhaps cause older women to insist on the continuation of FGC as a means of exerting their control over family life. Thus, as women have been denied power in society, when they are grandmothers and it is granted to them, they are keen to utilise the power but can only do so within the parameters set, the family. Older women exercise their authority over younger generations by demanding all young girls in the family undergo FGC. Grandmothers therefore become the chief agents of the practice.

In addition, having suffered under male oppression throughout their lives, grandmothers are probably keen to preserve the power granted to them in their old age. As their influence is limited to their son and husband’s
patrilineages, in order to achieve this, they must ensure the stability, welfare and continuation of their family line, coupled with the hierarchy within it (Dorkenoo, 1994:49-50). If their lineage breaks down, these women’s newfound authority would disappear. Dorkenoo (1994:50) asserts that the way women believe they can fulfil their role in preserving the partrilineage is through the practice of FGC. Accordingly, it therefore guarantees that these women remain in their new position in society throughout their old age.

Thus, women’s own suffering is the key reason grandmothers are the direct perpetrators of FGC. The powerlessness they have experienced throughout their lives in these male dominated societies is replaced by status and influence in their old age. Grandmothers are keen to exercise this power and ensure they maintain their new position of authority in the community. FGC acts as a practice that can assert and preserve these factors.

The key contention in this argument comes from the interview with Amy, a midwife who specialises in treating women who have been cut. The interview began with the question of what she believes is the main reason that her clients, mainly second-generation migrants who have been taken back to their country of origin to undergo FGC, have been cut. Amy responded, with certainty, that it is the grandmothers who did not come to the UK with their family but still live in Africa. Amy went into extensive detail explaining that the mothers of most women she treats have been pressured into ensuring their daughter undergoes FGC by the grandmothers “back home”. As a result, these mothers have taken their daughters to their country of origin and handed them over to their grandmothers, who then organise the procedure. Amy’s description suggests that the grandmothers are the key agents guaranteeing the continuation of FGC. Amy believed that the grandmothers left behind when a group moved to the UK feared they were losing control of their families and FGC was perhaps a way of regaining it. Amy’s statement implies that FGC is a procedure these grandmothers force girls to undergo as it reaffirms their authority over their families. This implies that these grandmothers utilise the practice in order to ensure their

5 The information in this paragraph comes from my own interview with Amy on 28 February 2014.
continued power over their family, with FGC used as a tool to assert their influence over the domestic sphere.

Another reason that should be considered in answering why older women are the strongest proponents of FGC is centred on the importance of legitimacy. As a result of the increased status granted to grandmothers, these women begin to have the freedom to question why they were cut as girls. This internal struggle compels women to need to legitimise the surgery that they underwent. Perhaps by forcing younger women to also be cut, these women can accept what happened to them. Or perhaps making others endure what they went through stops them from having to view it as wrong and allows it to continue to be practiced.

This argument came from an interview conducted with Ayan who, born and raised in the UK, was taken to Somalia at the age of seven to be cut. Ayan said that FGC presented a contradiction in her life: her mother is a feminist and believes all women should be educated and independent, yet she still ensured her daughter underwent FGC. Ayan explained that in order for her mother to continue to be a feminist while believing that the practice was “right,” she needed to make sure Ayan went through it. Ayan’s description implies that by going through the practice herself, it settled difficulties her mother was having in her own life. This suggests there is an internal struggle that results in mothers and grandmothers subjecting young girls to FGC.

When asked further if perhaps this was a form of vengeance by her mother, Ayan agreed but proceeded to quickly change the subject. Ayan’s response suggests this is a difficult but important question to consider and acknowledge. However, more anthropological research would need to be conducted to validate these ideas.

4.4 Circumcisers

In the majority of cases, a female circumciser performs FGC in African societies (Skaine, 2005:13). The patriarchal framework separates men and

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6 The information in this paragraph comes from my own interview with Ayan on 14 September, 2013.
7 The information in this paragraph comes from my own interview with Ayan on 14 September,
women: women are mainly confined to the private realm, while men engage in the public sphere (Dorkenoo, 1994:45). The women in these communities therefore are mostly limited to domestic work. This suggests, as women carry out the practice, it consequently provides a space for women to have a job outside of the family. Dorkenoo (1994:50) comments on the fact that FGC provides revenue for the circumciser. This implies performing the practice provides economic stability and more importantly, a certain amount of economic independence from men. Female circumcisers therefore gain economic power within what is otherwise a male dominated structure. In order to maintain this, perhaps female circumcisers have a keen interest in ensuring the continuation of the practice. Thus, circumcisers play a key role in the persistence of FGC as their work grants them economic power.

The argument that one of the main incentives for these women to perform FGC is economic is grounded in the interview I conducted with the charity worker, Sarah. She explained that being a circumciser provides economic stability for these women. The revenue from performing the practice also awards female circumcisers economic status. Consequently, these women have a keen interest in the continuation of FGC.

Furthermore, a recent campaign against FGC in Mali focused attempts to eradicate the practice on female circumcisers, highlighting the part they play in the continuation of the practice. Mali has an incredibly high “circumcision” rate with 94 per cent of women being cut (Gosselin, 2001:194). Traditional circumcisers are mostly women from the caste ‘numu’ (Gosselin, 2001:194). These women are respected, as FGC is considered one of the ‘most important social responsibilities’ in Mali (Gosselin, 2001:198). Furthermore, learning how to perform FGC takes years, as completing the operation successfully is difficult and potentially dangerous with the potential for child fatality (Gosselin, 2001:197-198). As the technical skills required are so difficult, circumcisers are respected for their ability. It is clear that circumcisers in Mali are granted vast amounts of respect. Female circumcisers therefore not only gain economic, but also social power. Thus, the social and economic respect these women gain as a result of performing

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8 The information in this paragraph comes from my own interview with Sarah on 5 March, 2014.
FGC grants them power, furthering their desire to ensure the maintenance of the practice.

By listening to the voices of African women who have undergone FGC, or people who have worked closely with those that have, a deeper understanding of the meaning of the practice emerges. FGC is centred on the role of power in these societies. The practice appears to act as a tool women use to increase their influence and authority within the oppressive structure of these communities.

5. CONCLUSION

This paper’s aim is to understand FGC’s meaning, attempting to explain and explore why the practice continues. The paradox that lies at the heart of the issue is that the women who are cut are the direct agents in the perpetuation of FGC. Yet Western explanations of the topic have largely afforded these African women little agency.

The conception of the homogenised “Third World woman,” who lives her life oppressed by patriarchy, has silenced the personal accounts, experiences and voices of these African women who are both cutters and cut. Such a portrayal has shaped the response of much of the international community.

This reductive approach means that despite the West’s attempts to eradicate FGC, prevalence rates remain high. The statistics bear this out. For example, in Nigeria occurrence for girls and women between ages 15 and 49 has increased by more than 10 per cent since 2003 (28 Too Many, 2013). In Somaliland, efforts by the charity World Vision to emphasise the damaging health consequences have had no impact (Bentham, 2014).

Clearly a practice which harms the health of three millions girls a year cannot be condoned (WHO, 2014). The debate over how it should be eradicated, which is so often expounded in the West, is beyond the scope of this thesis. However, developing a better understanding of the issues involved through greater qualitative research, and focusing on the accounts of Afri-
can women, may lead to more effective strategies. This thesis suggests that power is at the heart of the practice: Patriarchal constraints that structure these societies limit women’s ability to exercise power, yet within the boundaries set, these women utilise the power available to them. This manifests itself in women’s bodies, in the practice of FGC. Increased collection of primary evidence, particularly with FGC survivors, is an area of research necessary to further support and build on the conclusions presented in this paper. I am currently working with Somali women in the UK who have been cut to strengthen and extend this works conclusions. Perhaps the path to ending FGC lies in tackling the wider subjugation of women, so they can assert themselves in different ways. I would argue that any initiative to eradicate FGC has to both come from and be led by the African women themselves.

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Local realities and international responses: Examining areas excluded from international initiatives’ responses to sexual and gender-based violence crimes in the Democratic Republic of the Congo.

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ABSTRACT

Since 2010, in the Democratic Republic of the Congo (DRC), international non-governmental organizations (NGOs) and funders’ focus on sexual and gender-based violence (SGBV), and women victims has increased tremendously. International NGOs and funders have provided important support for women victims of SGBV crimes. However, this support for fighting SGBV crimes in the DRC does not include all parts of local communities and ignore certain local realities. Men especially, both as perpetrators and as victims of SGBV crimes, are usually excluded from international interventions. The widespread practice of narrowing the focus on women victims of SGBV crimes prevents holistic and sustainable achievements. SGBV crimes are rooted in culturally conditioned gender roles and practices and can, hence, only be effectively eradicated if the behaviours of both, men and women, are locally analysed, understood and challenged. Therefore, this research paper aims to demonstrate how a number of aspects salient to fighting SGBV crimes in the DRC have been excluded by international initiatives. This paper also highlights the importance of local NGOs in taking complementary actions on SGBV crimes based on their intricate knowledge of local realities. The focus of this research is restricted to North-Kivu province in eastern DRC. Data has been collected through interviews and trainings observed in North-Kivu from October 2015 until January 2016. Semi-structured interviews were conducted individually with 36 international and local NGO officials. Additionally, through group sessions, data has been collected from 24 local men in North Kivu.
INTRODUCTION

Since 2010 when the United Nations (UN) Special Representative for Sexual Violence in Conflict Margot Wallström called the Democratic Republic of the Congo (DRC) “rape capital of the world”, international non-governmental organizations (NGOs) and funders’ focus on sexual and gender based violence (SGBV), and women victims has increased tremendously. Currently, in the DRC, the majority of funding from the international community and projects conducted in the country is targeted towards women victims of SGBV crimes.

International NGOs and funders have provided important support for women victims of SGBV crimes. However, this support for fighting SGBV crimes in the DRC does not include all parts of local communities and ignore certain local realities. Men especially, both as perpetrators and victims of SGBV crimes, are usually excluded from international interventions. This exclusion prevents meaningful long term engagement with SGBV crimes and the development of gender equalities in the DRC.

This research paper aims to demonstrate how some crucial aspects of fighting SGBV crimes in the DRC have been excluded by international initiatives. This paper also highlights the importance of local NGOs in taking complementary actions on SGBV crimes based on their intricate knowledge of local realities. The focus of this research is restricted to the North-Kivu province. Data has been collected through interviews and trainings observed in North-Kivu from October 2015 until January 2016. Semi-structured interviews were conducted individually with 36 international and local NGO officials. Additionally, through group sessions, data has been collected from 24 local men in North Kivu. For security reasons and at the request of participants, some names are not mentioned and identities are kept anonymous.

Firstly, international NGOs’ and funders’ understanding of violence will be scrutinized through Žižek’s (2008) definition of violence. Subsequently, this paper demonstrates the solutions provided by international initiatives for SGBV crimes and how these initiatives exclude certain segments of society. Finally, through a case study, the response to excluding men from the
process of fighting SGBV crimes produced at the local level is examined. It is argued that local initiatives with their deep and intricate knowledge of local realities provide valuable complementary solutions to fill gaps left by international initiatives. Therefore, this paper can be beneficial for new projects in the DRC to identify the areas that need to be included within international gender equality initiatives.

**NEED FOR A DIFFERENT UNDERSTANDING OF VIOLENCE**

Understanding acts of violence only as physical and psychological phenomena is not sufficient to deal with its real causes. Hence, there is a need to scrutinize this understanding of violence. During armed conflict or peace time, our acceptance of violence is always limited to physical or psychological acts of violence which is also expressed in the reports of Human Rights Watch (HRW), Amnesty International, and the UN among others (e.g. WFWI 2007, HRW 2015, UN 2014). Despite such limited understanding, Žižek (2008) demonstrates in his work “Violence” that there is more violence than what we ordinarily observe.

While the international community regularly calls for action on humanitarian crises to end “violence”, Žižek (2008, p.1) states that we should step back and wait before responding to this call for action. He suggests that first we should understand the cause of violence and examine why the international community focuses on specific acts of violence and how solutions are presented. In a similar vein, Kreitin (2012, p.127) explains that passivity arising from non-action to the call for action is the right thing to do as the contrary may only serve to further the real causes of the act of violence. Therefore, taking a step back will enable us to identify a strategy that sustains our efforts to fight violence and to promote tolerance (Žižek, 2008, p.1).

Žižek defines visible acts of violence which are performed by a clearly identifiable agent as "subjective" violence (ibid.) and defines “objective” violence in order to understand the invisible portion of violence. This “objec-
tive” violence consists of “symbolic” and “systematic” violence: “symbolic” violence is defined as the violence embodied in language, and “systematic” violence is embodied in economic and political systems (Žižek, 2008, p.2). The term “symbolic violence” originates from Pierre Bourdieu and they both describe violence within communication. However, while Bourdieu states that a “conservative account of the speech act presumes that the conventions that will authorize the performative are already in place”, Žižek rejects already existing performativity and puts the emphasis on the role of agency (Legassick, 2012, p.6). This research will not focus on “symbolic” violence, nevertheless, it is important to stress Žižek’s idea on the role of agency. With regard to this, Legassick (2012, p.11) states that the role of objective violence establishes a background which can give rise to agency with a propensity for acts of subjective violence.

Žižek explains that subjective violence is experienced against the background of a “non-violent zero level” which is to be defined as the normal and peaceful state of things that contains no violence. While it is generally accepted that an act of violence is the disturbance of such “normal”, peaceful state of things, Žižek’s theory adds that violence is already inherent in the “normal”, and is constituted by objective violence. Legassick (2012, p.9) explains that Žižek applies a Hobbesian understanding of the natural condition of humans which is a war situation - a situation of violence. Žižek (2008, p.9) aims to demonstrate not only the direct physical or psychological violence but also the violence inherent in a system that sustains relations of domination and exploitation, including the threat of violence. Linden (2012, p.38) states that the notion of systematic violence is used by Žižek to refer to the fact that unjust social structures or institutions are sustained by threats of violence which are inherent and common to certain social arrangements. In a similar vein, Legassick (2012, p.11) contends that any claim that the source of such subjective violence is inherently natural ignores the contingency of the objectively violent background.

Žižek (2008, p.1) assumes that there is a “fascinating lure” about subjective violence. However, due to the violence inherent in the unjust social conditions, accepted as zero-level standard, objective violence becomes invisible. In other words, what we understand as natural, normal, and peaceful
constructs a zero-level standard. However, this zero-level standard consists of violence in itself due its creation of exclusion (Žižek, 2008, p.2).

The literature is, therefore, divided over Žižek’s understanding of violence. Linden (2012, p.5) argues that Žižek is correct in presupposing the existence of systemic causes of subjective violence, but he fails to explain why it is important to look at systemic violence which causes an unpractical diversion. Also, Linden (2012, p.7) adds that accepting systemic violence and subjective violence as forms of violence may lead to a conclusion where the abolishment of both forms requires the same strategies of change.

With regard to these contrasting ideas on Žižek’s understanding of violence, this research analyses to what extent international NGOs and funders provide a response to subjective violence and what needs to be done to extend these responses to objective violence without imposing the same strategies and accepting systemic causes as useful to abolish acts of violence.

**INTERNATIONAL RESPONSES DEALING WITH SGBV CRIMES IN NORTH-KIVU**

There are several international initiatives to fight SGBV crimes in the DRC. International and local NGOs with funding coming from international partners provide different solutions in diverse areas to end such acts of violence. One of the most emphasised solutions provided by many international and local NGOs such as American Bar Associations (ABA), Lawyers Without Borders (Avocats sans Frontier - ASF), and Dynamique des Femmes Juristes (DFJ) is to provide access to justice for women victims of SGBV crimes and strengthen the DRC justice system on such matters. This chapter outlines some of their solutions to fight SGBV crimes and considers their effectiveness.

According to the Code on Criminal Procedure¹, when a woman is raped by civilian or military personnel, the case has to be reported to the police. A

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¹ Law No. 06/019 of 20 July 2006 amending and supplementing the Decree of 6 August 1959 on the Code of Criminal Procedure Congolese.
The special unit called Police Speciale de Protection de l’Enfant et de la Femme (PSPEF) has been designated as the point of first entry into the justice system. PSPEF was established in 2002 to operate in North-Kivu when SGBV crimes were recognized as a grave problem for the country.

According to an expert from PSPEF, in 2010, when international NGOs and funder’s focus on SGBV crimes in the DRC increased, PSPEF started to receive donations from the international community and support from international NGOs, such as United Nations Development Programme (UNDP), HEAL Africa, ABA, The United Nations Organisation Stabilization Mission in the DRC (MONUSCO), United Nations Population Funds (UNFPA), War Child and Save the Children. Support provided by these NGOs target sexual violence crimes, child protection, gender issues, psycho-social support, data collection, evidence collection, interview techniques, accountability, mass crimes, crimes against humanity, and other human rights violations. In addition to this, international NGOs also support the promotion of recruiting women police officers. Victims of SGBV crimes are mainly women who often feel more comfortable and are willing to talk if a woman police officer leads the investigation.

According to the Code on Criminal Procedure, when PSPEF receives a case, it is referred to the magistrate within 48 hours. During this time PSPEF opens a file for the victim with information including time, location, identification of the alleged perpetrator and other relevant information. According to an interview conducted with an expert at PSPEF, special attention is given to treating and listening to victims of SGBV crimes and the main principle is to not traumatise them again. He also confirmed that support received from international NGOs has enhanced the unit’s effectiveness and results.

After reporting the case to the police, a victim is sent to a legal aid clinic to be attributed a lawyer and to get medical and psychological support at the hospital. In Goma, capital city of North-Kivu province, there are two main hospitals that police refer victims of SGBV crimes to. These hospitals are

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2 Interview with an expert from PSPEF on 3/11/2015 in Goma, the DRC.
HEAL Africa and Kyeshero Hospital. It is possible to find legal aid clinics in these hospitals where victims can learn about their rights and the legal paths they can follow if they want to take their case to the court. If a victim wants to take her case to court these legal aid clinics provide free legal representation for the victim. Several international and local NGOs operate legal aid clinic services in these hospitals. ABA runs the legal aid clinic at HEAL Africa and Synergie pour l'Assistance Judiciare aux Victimes de Violations des Droit Humains au Nord-Kivu (SAJ) runs a clinic at Kyeshero Hospital. Having legal aid clinics inside hospitals has two advantages. First, medical treatment and legal support can be provided without timely delays as medical treatment may take a long time. Secondly, stigmatization from local communities associated with visits to legal aid clinics for rape cases may be prevented.3

Most organisations also have legal aid clinics outside of hospitals and outside of Goma throughout North-Kivu province. For example, ABA has legal aid clinics in Lubero, Beni, and Butembo.4 SAJ used to have legal aid clinics outside of Goma in Rutshuru and Masisi however, due to a lack of funding, these legal aid clinics had to shut down. Apart from ABA and SAJ, DFJ operates legal aid clinics in order to provide access to justice for women and girls throughout North-Kivu province. These legal aid clinics are important not only in facilitating access to justice for women but also for sensitization of rights.

Legal advocacy is accompanied by medical, psychological and socio-economic support. International initiatives promote this approach as it helps women reintegrate into society. Hence, all international and local NGOs collaborate as partners based on individual specializations. At HEAL Africa and Kyeshero Hospital this aforementioned approach is provided at shelters called “transit house” or “maison d’écoute”. In these shelters victims can stay until they have fully recovered and they receive accommodation, food, water, clothes, and medical and psychological treatment. If legal support is provided by an NGO which is located outside a hospital,

3 Interview with a lawyer on 15/10/2015 in Goma, the DRC.
4 Interview with a lawyer on 28/10/2015 in Goma, the DRC.
the NGO works with hospitals and other NGOs that provide medical and psychological support for women victims. In the same way, hospitals usually collaborate with NGOs that specialize in socio-economic support for women victims to support their integration with the community. Furthermore, UN agencies have many joint projects with local NGOs to support the said approach including legal, medical, psychological, and socio-economic support.

While women victims receive this assistance from joint efforts of international and local NGOs, the legal process continues with the endorsement of international NGOs only. International NGOs with large funding are in a particularly good position to alleviate logistical and financial burdens of local courts. Note that the DRC has imposed strict budgetary restrictions on the judiciary which has resulted in a large backlog of unpaid salaries and cuts in basic office supplies. These financial problems make it difficult for courts to operate and render timely and evidence based decisions. Often, financial restrictions can also cause corruption within the justice system and tilt the balance in favour of wealthy perpetrators. To fight impunity and enhance the DRC’s justice system, international organisations especially UN agencies such as United Nations Joint Human Rights Office (UNJHRO) and UNDP provide financial and logistical support.

Additionally, due to budgetary restrictions, some judges do not have legal documents and up to date legislation at their disposal. Access to sources of international law is usually compounded by a lack of financing and university courses in the DRC. Hence, crimes that fall within the remit of international criminal law may not be dealt with properly. Therefore, international organizations such as UNDP and ASF publish and provide legal texts for court officials.

Furthermore, logistical support is provided by international NGOs in order to operate mobile hearings in remote areas. As an expert working for an international NGO stated, lack of infrastructure and size of the country weaken the effectiveness of the judiciary in some areas. For many local com-

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5 Interview with an expert working for an international NGO on 27/10/2015 in Goma, the DRC. Expert stated that State budget for justice system is 0.002% per year.

6 Interview with an expert working for an international NGO on 27/10/2015 in Goma, the DRC.
communities, it may be difficult to travel to courts in urban areas such as Goma in order to report rape cases to the authorities and follow legal proceedings due to a lack of financial means and work obligations (Mansfield, 2008). As a response to these shortcomings, Congolese courts conduct mobile hearings in remote areas with logistical and financial support from international NGOs. Since these hearings take place in remote areas, security, accommodation, and transportation expenses need to be covered by international NGOs. Therefore, a trial is either commenced in Goma or in remote areas through mobile hearings where victims can take their cases to the court with the assistance of international NGOs.

International NGOs do not only endorse the legal process but also work to improve the DRC’s justice system. To achieve this they train legal officers and put pressure on the DRC government to revise the national law on SGBV crimes. Training is important to sensitize judicial officials about SGBV crimes so they can communicate with communities in a more sensitive way. This sensitization process in conjunction with pressure on court officials helps protect victims during trials. According to a Congolese lawyer\(^7\), legal education at universities in the DRC does not include the teaching of protection measures which is why many judicial officials are not aware of them.

Furthermore, UNJHRO collaborates with the High Magistrate Council to monitor courts to identify problems and control magistrates to fight impunity and to deploy more female magistrates to increase women’s roles in decision making processes and introduce a more nuanced approach to SGBV crimes.

Finally, international NGOs do not only facilitate access to justice for women victims but also sensitize them on their rights and aim to enhance their social status by raising awareness. Sensitizations are conducted through radio broadcasts, conferences, and public debates. These measures aim to inform women on their rights and the necessity of denouncing SGBV crimes\(^8\). As an expert mentioned, “sexual violence is only the tip of the ice-

\(^7\) Interview with a lawyer on 21/10/2015 in Goma, the DRC.

\(^8\) Interview with an expert working for an international NGO on 27/10/2015 in Goma, the DRC.
berg, it is the visual part of the whole chain of cultural background that leads to sexual violence.”

In Congolese society, women often are associated with a lack of value and, hence, are deprived of opportunities to participate in decision making processes. On the contrary, Maman Faulestine, a Congolese women's rights activist, stated that society bestows a large number of responsibilities on men and promotes their privileged position. In some cases, certain acts of SGBV crimes are even accepted as a right that males have. Therefore, it seems to be important to sensitize women on their rights and values in society to help them gain active agency and challenge SGBV crimes.

**INTERNATIONAL INITIATIVES’ RESPONSES AND SUBJECTIVE AND OBJECTIVE VIOLENCE**

With regard to the previous Section, international NGOs and funders are engaged in developing the justice system of the DRC in order to deal more fairly with women victims of SGBV crimes. Yet, there are several segments of society that have been left out. This part examines limitations of international initiatives’ responses to fight SGBV crimes through the theoretical understanding of subjective and objective violence.

First of all, the majority of international initiatives give special priority to SGBV crimes (Autesserre, 2010). A Congolese lawyer stated that “it is not important to provide help to specific victims when the whole justice system is problematic”. According to this, it is nearly impossible to improve a justice system based on a specific set of crimes. For instance, UNJHRO has several units dealing with a diverse range of crimes. The National Program of Access to Justice for Victims of Sexual Violence Unit promotes SGBV trials both in civilian and military courts and the National Program of Transitional Justice and Fight against Impunity Unit supports trials on human

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9 Interview with an expert working for an international NGO on 15/10/2015 in Goma, the DRC.
10 Interview with Maman Faulestine on 20/10/2015 in Goma, the DRC. She is a women activist and directs several maison d’écoute (shelters) in and outside of Goma also head of the local NGO called Femmes Unis Pour le Progres Social - FUPROS
11 Interview with a lawyer on 21/10/2015 in Goma, the DRC.
rights violations. However, crimes other than SGBV crimes and human rights violations are not prominently included in most international NGOs and funders’ responses in the DRC.

Similar problems can be detected at legal aid clinics. The lion’s share of funding for legal aid clinics is allocated to SGBV crimes and women victims. Out of the NGOs that operate legal aid clinics, ABA and DFJ only provide legal advocacy for SGBV crimes and women victims. SAJ gives legal assistance to all human rights violations but only for women. As a result of this research, two considerable problems arise from these kinds of exclusion in international initiatives’ responses. First, crimes other than SGBV crimes are not handled with efficiency equal to SGBV crimes which can cause victimisation of victims of non-SGBV crimes. Considering this short-term inclusion of SGBV crimes in international responses and a lack of assistance to other strands of the justice system, an overall improvement of the Congolese legal machinery cannot be expected and, therefore, any long term prospects of adequately dealing with SGBV crimes are undermined. Secondly, when advocacy given to SGBV crimes only includes women victims, male victims do not have any support mechanism to help bring their cases to justice.

It should also be noted that a project created outside the field where it is to be implemented may encounter problems as a result of a lack of awareness of social realities in the field. For instance, if a mobile hearing operates only for SGBV crimes committed in a remote community, there is a risk that members of the community are quick to communicate amongst themselves about what happened which may result in stigmatization against a victim despite theoretical protection measures. Victims may thus be abandoned by their husbands and families and alienated within their community.

ASF refuses to participate in mobile hearings if only SGBV crimes are to be prosecuted. Instead, they attempt to include other crimes in mobile hearings so as not to produce negative consequences for women victims of SGBV crimes. However, not every international NGO shows this kind of sensitivity and continue to support only SGBV crimes.

Some projects are not aware of local realities not only regarding cultural matters but also in terms of the basic infrastructural features of the country.
Eugene Buzake, head of SAJ, provides an example of a victim in a remote area who needs to come to Goma to report a case and follow up in court. The transportation, accommodation, and security expenses may pose insurmountable financial hurdles which often results in non-denunciation. While international donors place emphasis on the legal process, many do not consider transportation, accommodation, and security expenses. A lack of attention on these local realities is likely to clog the legal process.\textsuperscript{12}

In addition, the perception and conceptualization of justice of international NGOs and funders and local communities differ substantially. From interviews, it became clear that most victims are from remote areas and have never had any formal contact with legal institutions, documents, processes and rights. Hence, it should be noted that despite the valuable advocacy of international initiatives for justice mechanisms, the needs of local communities may be of a different nature. At Kyeshero Hospital, Dr. Kitambala and Dr. Kalembo stated that victims often prioritize medical, psychological, and socio-economic support.\textsuperscript{13} A women’s rights activist stated that women who attended mobile hearings to testify harnessed these hearings as an opportunity to speak about medical and socio-economic needs.\textsuperscript{14} In the words of two SGBV survivors, “Justice is useful, but psychological assistance I have received was more effective” and “what is more important I guess are the social integration and income generation activities”\textsuperscript{15}. Considering the fact that formal legal processes are alien to many local communities, medical, educational and financial promotion are usually prioritized.

Furthermore, stressing the importance of punishments does not eradicate the widespread beliefs of male superiority which can cause these crimes. Hence, while punishment is an important aspect of justice, it often does not reach the root of SGBV. Only a small number of organizations currently aim to fill this gap.

\textsuperscript{12} Interview with Me Eugene Buzake on 28/10/2015 in Goma, the DRC.
\textsuperscript{13} Interview with Dr. Kitambala Chef de Programme de Violence Sexuelle a L’hôpital de Kyeshero and Psychologue Clinician Franklin Kalembo at Hospital Kyeshero Goma, the DRC on 03/11/2015.
\textsuperscript{14} Interview with an activist on 21/10/2015 in Goma, the DRC.
\textsuperscript{15} Interview with two women survivors on 26/11/2015 in the DRC.
With regard to this, training and sensitization sessions for women are essential, however, teaching women their rights alone is often not sufficient. Men need to be included in behaviour changing processes. If women are aware of their rights but husbands remain unaware, further violence may ensue. Instead, women and men need to be equally sensitized and knowledgeable about rights and responsibilities and understand each other in order to reduce violence. As a result, access to legal recourse and changes in behavioural patterns and power relations should go hand in hand.

Nevertheless, international initiatives fighting SGBV crimes in the DRC provide important support to women victims. They have substantially contributed to enhancing the efficiency of the Congolese justice system especially regarding SGBV crimes through training and promoting women officials. SGBV cases are approached more seriously and sensitively by judicial officials and women victims can benefit from a diverse range of support provided by several initiatives. In general, women victims often feel more powerful and have more confidence to seek legal recourse as a result. As one woman interviewee[^16] stated

“I did not know what to do but now I know what I can do if someone infringes on my rights! I am different now! I feel powerful and I am proud of myself!”

However, the outcomes and longer term impacts of the majority of international initiatives are questionable. Support by international initiatives for the promotion of justice often lacks substantial elements in fully addressing victims’ grievances which are likely to lead to disappointment for the communities. This can eventually lead to doubt about what has been taught in sensitization trainings and thereby undermine behavioural changes. Furthermore, due to deficiencies in long term impacts, the government may not be able to continue the operation of mobile hearings, sensitization campaigns and legal aid clinics once NGOs cease operations.

[^16]: Interview with a woman survivor on 26/11/2015 in the DRC. 8 Interview with an expert working for an international NGO on 27/10/2015 in Goma, the DRC.
As Žižek (2008) states, efforts to eradicate subjective violence may only serve to continue the real causes of such acts of violence. The work of international initiatives puts emphasis on prosecuting and healing palpable acts of violence which qualify as subjective violence but leaves objective violence inherent in the ‘normal’ and ‘peaceful’ state of things untouched.

**CASE STUDY: A LOCAL RESPONSE TO DEALING WITH SGBV CRIMES IN NORTH-KIVU**

As was shown in the preceding section, numerous areas constituting violence are excluded from the fights against SGBV by international NGOs and funder. This is often the result of a lack of knowledge of local realities. Local NGOs can, therefore, play a complementary part in filling these gaps due to their members’ intricate knowledge of and close relationships with local communities. This section is based on a case study of a local initiative examining how efforts motivated by and rooted in local realities can substantially contribute to the fight against SGBV crimes and related development discourses.

Congo Men’s Network (COMEN) has adopted a novel approach to SGBV crimes. COMEN has been operating since 2009 based on a gap of working with men to fight SGBV crimes. COMEN is the only local initiative that works to challenge understandings of masculinities in North Kivu. COMEN’s work is, therefore, important to provide a different point of view to local communities, researchers, and policy makers by demonstrating the need to target both, men and women in order to effectively bring about behavioural changes vis-à-vis SGBV and advocate for gender equality.

SGBV crimes are not only committed during armed conflict in the DRC. The dominance that men have within customary practices causes SGBV crimes as well (Baaz and Stern, 2010; 2013). The understanding that men have a right over women and property effectuates everyday violence. Ex-

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17 It is important to note that COMEN is part of Men Engage, an organisation working across the African continent and receives funding from international partners.
experts working for COMEN stated that as a result of this understanding, men often do not acknowledge their guilt in SGBV.18 Domestic violence is usually not a matter of discussion in the DRC due to the widespread opinion that it is part of customary life.19 Also, as Maman Faulestine mentioned, women in Congolese society learn to obey and respect their husbands no matter what they do to them.20 Therefore, to fight SGBV crimes in the DRC, women need to be sensitized, educated and made aware that their contributions and decisions are necessary in society. By the same token, men need to be sensitized about women’s value in society as most SGBV crimes are committed by men in the DRC (Lwambo, 2011). While there are numerous sensitization and awareness raising projects for women by international initiatives, men’s organizations are sensitizations are rare.21

To address these gaps, COMEN focuses on prevention of SGBV crimes by organizing sensitization sessions and training courses for men in order to explain the law and challenge masculinities. They put emphasis on families to train and sensitize them. COMEN primarily aims to sensitize men to become good fathers. This does not only encourage men to better provide for their families financially but also promotes non-financial support and children’s welfare and education. COMEN also works to change perceptions of girls and boys within the family to achieve equality between them. Finally, COMEN also raises awareness about SGBV cases and promotes the practice that when a wife reports a rape case, a husband should not abandon her but instead understand and accept her.

There are several factors that have an impact on gender roles in the DRC such as tradition, culture, religion, colonialism, nationalism, globalism, armed conflict, and post-colonial influence. However, marriage, as one of the most important institutions in which gender is (re)produced, controlled, defined, and performed, interrelated all these sources. Silberschmidt (1999, p.75) states that “marriage is fundamental for the construction of gender

18 Interview with COMEN on 19/11/2015 in Goma, the DRC.
19 Ibid.
20 Interview with Maman Faulestine on 20/10/205 in Goma, the DRC.
21 While I was doing my fieldwork in North-Kivu it was very challenging for me to reach out to men and talk with them about SGBV crimes because the majority of international and local NGOs are working for women only. In Goma, there are only two NGOs working with men: one of them is an international NGO called Action in Hope and other one is COMEN. Unfortunately, due to the busy schedule of Action in Hope I was not able to speak with their members.
identity and sexuality”. As can be seen from the work of COMEN, to change or challenge gender roles, work needs to focus on gender roles in the family because definitions of man and woman are inherently dependent on family life.

At the village level, COMEN organizes weekly meetings in order to discuss and sensitize men about different topics related to SGBV crimes. There are 6 different groups in a village and all groups are composed of 25 men with one man and one woman as leaders. Whereas some men have attended such meetings for three years since inception, newcomers are welcomed regularly with participants’ ages ranging from 18 to 65. All these diverse features of participants contribute to the dynamics of these meetings.

At a COMEN session I attended in North Kivu I found that the behavioural changes these meetings engendered among participants over time were a common topic of discussion. Every positive change accomplished by participants entailed compliments and support from other participants expressed loudly through applause to encourage each other.

One participant in the group stated that

“I used to beat my wife when she said no to have sex with me but now after these meetings we have here, I can understand and respect her decision.”

Another participant expressed that

“I used to think that only men can have ideas and only they are able to make decisions but now from these meetings I have understood that my wife’s opinion is very valuable and when there needs to be a decision made in the family, the decision needs to be made by wife, husband, and children all together.”

During a discussion in the group one participant mentioned that he has three wives and it is impossible for him to ask all of them for their opinions.

22 Observing COMEN’s training on 22/11/2015 in North-Kivu.
in order to make a decision. This statement raised disagreement among group members and one of the oldest participants responded:

“I think you are new in this group and this is why you are talking like that. But you should listen to your wives, you cannot act on your own, on behalf of the whole family. I have three wives as well and after every harvest we sit together and decide what to do with the money. We might put the money in an account or buy a new field. Also, if I bought the previous field for the first wife then I am buying the new field for my other wife.”

It is important to acknowledge that cases like these are a local reality and a local solution has been found to promote equality. Upon receiving the said advice the first man stood up and said

“I want to change as well! This practice is very good! I will apply it too, promise!”

The approach of such meetings is twofold in that they do not only portray men as perpetrators but also as potential victims of SGBV crimes. The group session I attended became even more excited to talk about this issue and find opportunities to express their personal problems. The advice given by the leaders of the meetings was always same for such problems: “be patient, talk, listen, and try to understand each other”.

Men do not only learn from the NGO in these meetings but also discuss and share their problems and seek advice from each other. A young man in the group who came to the meeting carrying his baby on his back asked for advice from the group:

“I have a problem. My friends do not want to go out and have a beer with me anymore. They said that I have become a woman and until I stop carrying my baby on my back, they will not hang out with me. But I feel very happy when I carry my baby. Also, I have responsibilities at home and I need to help my wife.”
Experts at COMEN mentioned this problem before the meeting that men who attend these sessions often feel humiliated. However, participants usually change over time and become willing to help other men change. In response to the above problem, one participant suggested that he avoid such friends and prioritize the welfare of the family, and another participant advised to “keep your friends and tell them what you have learned from these meetings. Instead of letting them change you, you should try and change them”.

Participants to COMEN meetings are aware of the role of culture in SGBV crimes and everyday violence. In addition, they mentioned poverty, unemployment and war as causes of SGBV crimes. A lack of water and electricity can also feed into violence when women are forced to go to the field or bush to collect firewood or water. Unemployment, the instability of the region and a lack of water and electricity were mentioned to be issues of a more general nature. According to participants, not only the eradication of SGBV crimes but also the development of a community, hinge on the solution of these issues. However, projects of international NGOs are often not sufficiently holistic to respond to the said problems. One participant to COMEN’s training group stated that

“International NGOs are doing a very good job, however, it is not enough to provide an effective solution. They are only working on consequences but not on the causes. That is why they are spending a lot of money but there is no result.”

Although COMEN’s work plays an integral part in sensitizing men of local communities about their roles in fighting SGBV through challenging behaviours, which fills a prominent gap, their impact is limited to a small segment of society. As a local NGO, COMEN has limited funding at its disposal which hampers their work from expanding throughout the country. COMEN’s work is currently restricted to a small number of villages of North-Kivu province. One participant of a training contributed to this thought by expressing that
“In this village there are a lot of projects but only COMEN is working on the causes of problems. We need more support like this.”

CONCLUSION

In order to fight SGBV, projects by international initiatives should not focus attention merely on the “fascination lure” of the visible violence. If responses by international initiatives are limited to acts of visible violence and do not include the behavioural reasons for such crimes then these responses may only serve to continue acts of SGBV.

In the DRC, SGBV crimes are considerable problems that affect a large number of local communities and a substantial amount of projects by international initiatives has been put forward to end such crimes. So far, these responses have improved the DRC justice system and facilitated access to justice for women. However, several areas, including the root causes of SGBV, are still excluded from these responses, which in the long term hamper sustainable solutions and development in the DRC.

Particularly, the widespread practice of narrowing the focus on women victims of SGBV crimes prevents holistic and sustainable achievements. SGBV crimes are rooted in culturally conditioned gender roles and practices and can only be effectively eradicated if the behaviours of both, men and women, are locally analysed, understood and challenged. Initiatives motivated by local realities demonstrate that it is possible to change such practices and reconstruct the normal, natural and peaceful state of things (Zizek, 2008). As a local representative of COMEN expressed,23,

“Man was not born but became violent. If this is something that man learned to practice, it is possible for him to change.”

23 Interview with COMEN local representative on 22/11/2015 in North-Kivu.
Due to the scope of this research, only one particular area excluded by international NGOs and funders in the fight against SGBV in eastern DRC could be examined. The scope was furthermore narrowed by limitations imposed by the nature of field work in eastern Congo. In order to expand the analysis of international responses and local complementarity to SGBV, a country-wide analysis may be carried out including additional excluded aspects. This would help local NGOs across the country settle into complimentary roles to support international efforts by providing targeted local analyses.

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Evaluating gender equality strategies in Africa through Nigeria's experience with human trafficking

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INTRODUCTION

The Sustainable Development Goals (SDGs) explicitly recognise the promotion of gender equality and empowerment for women and girls as a cardinal objective\(^1\). The United Nations Entity for the Gender Equality and the Empowerment of Women has expanded on this global goal, and has set out nine targets. These are the (a) elimination of discrimination against women, (b) elimination of all forms of violence against all women and girls including trafficking and sexual and other types of exploitation, (c) elimination of harmful practices such as child marriages and female genital mutilation, (d) recognition of unpaid care and domestic work through the provision of public services, infrastructure and social protection policies, (e) promotion of full and effective political participation by women; (f) promotion of universal access to sexual and reproductive health; (g) promotion of reforms to give women equal rights to economic resources, ownership and control over land and other forms of property and (h) promotion of the use of information and communications technology to engender empowerment and (i) the adoption of sound policies and enforceable legislation for the promotion of gender equality\(^2\). While the SDGs are the most recent addition to ensuring gender equality, there are a number of multilateral efforts which predate the SDGs, but promote their objectives. The SDG’s gender targets largely draw from these earlier initiatives. In this way, the SDGs are mainstreamed into the execution of multilateral approaches that are focused on the promotion of gender equality and empowerment.

However, the recent sunset of the Millennium Development Goals (MDG) and the gaps\(^3\) identified in relation to the satisfaction of goal three of the Millennium Development Goals – the promotion of gender equality and women empowerment, by African countries, creates an opportunity for African countries to reassess the successes of the strategies employed in achieving the goal of gender equality.

One of the dimensions of the MDG Goal 3 on gender equality, and a principal target of the SDG Gender Goal is the elimination of all forms of violence against all women and girls including trafficking and sexual and other types of exploitation. This target is also a key imperative for African countries. For instance, Nigeria, like many other Sub-Saharan African Countries, is a key source, transit and destination for trafficked persons. Notably, this is the case despite the adoption by many African countries of key multilateral conventions that are targeted, generally to the promotion of gender equality, and specifically in this context, to combat the crime of human trafficking\(^4\).

This highlights a steep compliance gap between the legal obligations of African countries, and the current realities regarding the prevalence of the crime of human trafficking within each jurisdiction, and presents a useful opportunity to examine the utility of the multilateral approach in achieving gender equality, both broadly, and in relation to the specific gender targets set by the SDGs.

Following this introduction, this paper is divided into three parts. In the first part, I highlight gender inequality and human trafficking from a Nigerian perspective. This serves as a foundation for my discussion, in the second part of this paper, on Nigeria’s experience with the crime of human trafficking, both in terms of the relevant legislative landscape and Nigeria’s practical challenges with enforcement. Sequel to this, I will propose a gendered approach that is to be coordinated on an African platform suited to the nuances and traditions of member countries.

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\(^4\) Many of African countries also have domestic legislation, in particular, in relation to the crime of human trafficking. Nigeria, like 34 other Sub-Saharan countries, also has national coordinating bodies dedicated to the enforcement of the crime of human trafficking. See Hope for Children, the Global Slavery Index 2014 accessed online on 15 December 2015 at http://d3mj66ag90b5fy.cloudfront.net/wp-content/uploads/2014/11/Global_Slavery_Index_2014_final_lowres.pdf.
PART I: GENDER INEQUALITY AND HUMAN TRAFFICKING

Gender inequality in Nigeria springs from cultures, religions and attitudes that reduce the purpose, worth and ambitions of women and is embedded in and reinforced by statutory instruments, regulatory actions and judicial decisions. Many of these engender discrimination on the basis of marital status and personal status, and promote violence against women. Nigeria’s foundational law, the Constitution, in one part outlaws discrimination on account of sex. In another part however, it contains provisions that promote gender inequality, including section 26(2) which empowers men to confer citizenship on wives by marriage but negates the ability of women to do the same for non-citizen husbands. Nigeria’s immigration regulations require women applying for passports to present spousal letters of consent. These regulations also disentitle mothers (except women whose spouses have died) from procuring passports for their children. Regarding marital status, by Nigeria’s Marriage Act, a woman requires the consent of her father to marry. Regulations issued pursuant to Nigeria’s Police Act, incredibly mandate that only policewomen, (and not their male counterparts) seek the consent, before marrying, of the commissioner of police. Troublingly, under Nigeria’s Criminal Code, spousal rape is not recognized as a crime. Nigeria’s Penal Code permits a husband to assault his wife for the purpose of correction.

Apart from these circumstances, gender inequality is also perpetuated less formally. For instance, Nigeria’s position as 134th in the world (out of

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5 Ibid
6 Section 42, Constitution of the Federal Republic of Nigeria 1999 (as amended)
7 As well as ethnicity, place of origin, religion or political opinion. Ibid
10 Regulation 124 of the Nigeria Police Regulations, Police Act, Cap P.19, LFN 2004. The commissioner of police has the discretion to refuse the application for consent
11 Cap C38, LFN 2004. Applicable throughout Nigeria, save Lagos State and Northern States of Nigeria
12 Rape is defined by reference to “unlawful carnal knowledge.” However, section 6 of the Criminal Code defines “unlawful carnal knowledge” as a carnal connection that takes place otherwise than between husband and wife
13 Applicable in all Northern states in Nigeria
142 countries surveyed) on the Global Gender Gap Index in relation to educational attainment, arguably proceeds, at least in part, from deeply ingrained societal notions regarding the roles of the girl child. In many African societies, and in particular, across many Nigerian tribes, girls often perform solely domestic functions, and are effectively “reared” for marriage. Parents are also less likely to enrol the girl child in schools where the school environment, is deemed hostile or unduly challenging for girls. Also relevant are widely held cultural attitudes that discourage the introduction of effective sexual education for male and female children. Many of the societies that hold these attitudes shame sexually active girls and women. This social stigma in certain societies also extends to victims of rape and other sexual abuse. To escape, some women may elect to exercise what is in many countries, a recognised right of choice by procuring abortions. However because abortions are criminalised under Nigerian law, the procedures undertaken by many women will be illegal and unsafe. In millions of cases, this will lead to these women's deaths.

Inequality and Human Trafficking

Gender Inequality has close connections with the crime of human trafficking. First, the majority of victims of trafficking are girls and children. Trafficking for commercial sexual exploitation is estimated to account for about 79% of the crime's prevalence globally, and 98% of the victims

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14 Statistics suggest that more than 50% of women in Bangladesh and Afghanistan are married by the age of 18. See UNICEF. 2001. Child Marriages Must Stop, accessed online on 23 December 2015 at <http://www.unicef.org/newsline/01pr21.htm>
16 Around the world, the recognition of the right of choice flows from domestic judicial decisions, statues, and international accords. For example, paragraph 96 of the Beijing Declaration and Platform for Action, declares that the human rights of women include their right to have control over, and decide freely, and responsibly on matters related to their sexuality, including sexual and reproductive health. See UN, Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women (27 October 1995)
18 https://www.unodc.org/documents/Global_Report_on_TIP.pdf. The Report however, recognizes that this may stem from a statistical bias
trafficked for this purpose are women and girls. This reality informs the classification by the Committee on the Elimination of All Forms of Discrimination against Women of crime of trafficking in persons as a form of gender-based violence that is “incompatible with the equal enjoyment of rights by women and with respect for their rights and dignity.”

Additionally, gender inequality has critical linkages to both the supply and demand sides of the crime of trafficking in persons. For instance, in terms of supply, it is well acknowledged that the crime's prevalence stems in no small part to traditional beliefs as to the roles and limitations of the female child, in particular, patriarchal notions of male preference – common in patrilineal African societies. Within this context, many female children are often deprived of an education, which in turn can deny them the opportunity for advancement and economic independence.

It has been suggested that the ripple effects of globalisation, - represented by global development strategies that encouraged the contraction of the public sector and the privatisation of public utilities have contributed to female unemployment - given that the public sector has been a significant employer of women globally. This contention may be bolstered by evidence that the public service, due in part to its flexibility, has been a preferred employer for women in OECD countries and in parts of Nigeria. Additionally, across many emerging economies, a labour intensive informal sector that mostly employs women has grown, and women employed in

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20 General Recommendation No. 19 See the Vienna Declaration and Programme of Action, UN General Assembly, World Conference on Human Rights, 22 Vienna Declaration and Programme of Action, Vienna (14-25 June 1993) 18; See also Beijing Platform for Action, UN, Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women (27 October 1995) 100; See also Council of Europe, Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (11 May 2011); See also United Nations Resolution on trafficking in women and girls, OHCHR, UNHCR, UNICEF, UNODC, UN Women and ILO, ‘Joint UN Commentary on the EU Directive – A Human Rights-Based Approach’, (2011) 26
23 See Lagos State Public Service Manpower Statistics (2004), Ministry of Establishment and Training, Management Services and Reforms Office, Alausa, which state that women occupied 44.7% of middle management positions and 41.5% of senior management positions in the Lagos State Government
these low-paying, insecure jobs are vulnerable to trafficking\(^{24}\). Traditional notions that persist in some African societies, which view females as second-class citizens make girls more vulnerable to being traded for commercial sexual purposes or for exploitative labour in times of economic hardship\(^{25}\). The disparate economic relationships between men and women in many African societies can increase the likelihood of women being viewed as sexual commodities\(^{26}\). In societies where sexual purity of women is an important societal objective, social stigmas associated with sexually active girls and victims of sexual abuse can render these women vulnerable to human traffickers\(^{27}\). Likewise, in terms of demand, women are often preferred in jobs in the low-waged, informal labour sector because they are often viewed as cheap and submissive\(^{28}\). The commercial sex industry is also propelled by cultural understandings that position women as commercialised providers of sexual services.

**PART II – HUMAN TRAFFICKING IN NIGERIA**

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Protocol) defines trafficking as:

“\(\)The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs\(^ {29} \). “

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\(^{24}\) Ibid

\(^{25}\) Ibid 8


\(^{27}\) Jean Cunha, note 22 above, 8

\(^{28}\) Ibid

While the exact legal elements that constitute the crime may differ across different jurisdictions, the crime is essentially comprised of process, means and purpose. The process involves either recruitment, transport, transfer, harbouring or receipt of the person, or may involve proffering or receiving of payments of benefits to obtain the consent of a person having control over the person to be trafficked. Disparate means could be employed to carry out the crime i.e. through threats, the use of force or other forms of coercion; abduction, fraud, deception or abuse of power. Finally, the purpose for trafficking is for exploitation.

Laws and Policies to Combat Trafficking in Nigeria

There are a number of municipal laws as well as international treaties that emphasise the rights of girls and women and criminalise trafficking in persons.

Notably, while domestic legislation is directly enforceable in Nigeria, in relation to international treaties it has adopted, Nigeria has significant challenges in meeting the SDG gender goal target that obliges states to “adopt and strengthen sound policies and enforceable legislation for the promotion for gender equality and empowerment of all women and girls at all levels.” This is because, Nigeria, which like other dualist countries, requires law making treaties to be domesticated by the legislature to have binding effect, often fails to domesticate its international agreements as required by its Constitution.

The premier legislation that touches and concerns on trafficking in persons is the Trafficking in Persons (Prohibition) Enforcement and Adminis-

31 Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015 s 13 (2) (a)
32 Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015 s 13 (2) (b) & (c)
33 Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015 s 13 (2) (c)
35 Section 12 of the 1999 Constitution of the Federal Republic of Nigeria (Constitution)
36 Domestication has been described as the transformation of treaties into municipal law. It is to subject treaties made on behalf of the Federation to the legislative process, as is the case with other municipal legislation. See P.T Akper, ‘Domestication of Treaties’ A paper presented to the PGDL/D/L.M Students in Legislative Drafting of the Postgraduate School, Nigerian Institute of Advanced Legal Studies, University of Lagos, Akoka (10 June 2008), 7
The Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2003 (Original TPPA) which had established and set out the functions of a specific anti-trafficking agency, the National Agency for the Prohibition of Trafficking in Persons (NAPTIP). The original legislation was amended, amongst others, to impose more stringent punishments for the perpetrators of the crime of trafficking and to eliminate the option of payment of fines.

The TPPA specifically prohibits all acts of trafficking in persons, within and outside Nigeria, including acts preparatory to, or further to an act of trafficking, omissions, assistance, procuration or participation as an accomplice in the crime of trafficking. The NAPTIP implements the objectives of the TPPA, principal amongst which are to provide a legal and institutional framework for the prohibition, prevention, detection, prosecution and punishment of human trafficking and related offences in Nigeria; protect victims of human trafficking; and promote and facilitate national and international cooperation in order to meet these objectives already set out. The NAPTIP coordinates its operations based on four P’s – prevention, protection, prosecution and partnerships, which is modelled on the Protocol’s paradigm for trafficking legislation. In addition to the TPPA, the crime of trafficking in persons is criminalised under Nigeria’s primary criminal law statutes, the Criminal Code and the Penal Code. Both codes set out provisions that proscribe trafficking in persons and seek to punish offenders. Important amongst these laws are provisions that criminalise the migration of the girl child (and women) for prostitution, and criminalise slave dealing.

In terms of civil obligations, Nigeria’s constitution has general provisions that protect the fundamental rights of all citizens, including the girl

38 S. 2, TPPA
39 S. 13, 14, 15, 16, 21, 24 and 25 TPPA
40 See S 13, TPPA
41 s 1, TPPA
42 See note 12 above
43 See note 14 above
44 Interestingly, although these codes are old, they contain provisions that focus specifically on offences committed against girls and women
child and women and trafficking in persons expressly violates certain rights contained in the Constitution. The Constitution creates otherwise relevant rights that are not justiciable and cannot be relied on in civil suits, as well as rights that can be relied on. Specifically regarding the latter category of relevant rights, Section 34 (1) of the Constitution guarantees the entitlement of every individual to respect for the dignity of their persons, and establishes the right of persons not to be subjected to torture, inhuman or degrading treatment, slavery or servitude or forced or compulsory labour. Also, Section 35 (1) of the Constitution entitles every person to his/her personal liberty except where deprived in accordance with a procedure permitted by law. Nigeria’s Child Rights Act contains provisions that underscore, within the context of children, the fundamental human right provisions expressed in the Constitution. The Child Rights Act also emphasises other specific rights, including provisions that establish freedoms from abuse, neglect and exploitation. Relevantly also, while the provisions of Nigeria’s principal labour related Act, do not expressly proscribe trafficking in persons, the Labour Act prohibits forced labour, which is a prominent dimension of the crime of human trafficking.

45 Notably, Section 14(2) (b) of the Constitution provides that the primary purpose of the government shall be security and welfare of the people. In the same vein, Section 17(2) of the Constitution unambiguously provides that in furtherance of the social order, the sanctity of the human person shall be recognized and human dignity shall be maintained and enhanced. Section 17(3) mandates the State to direct its policy towards ensuring that children, young persons and the aged are protected against any exploitation whatsoever, and against moral and material neglect. However under the Nigerian Constitution, these provisions as they are contained in Part II of Nigeria’s constitution, are explicitly non-justiciable. (See s. 6 (6) (c) of the Constitution, Also, A. G. Ondo v. A. G. Federation [2002] 9 NWLR (Pt 772) 222, where Nigeria’s Supreme Court held, inter alia, that courts cannot enforce any of the provisions of Chapter II of the constitution until the National Assembly has enacted specific laws for their enforcement.

46 S 46(1) of the Constitution. Therefore, any person who alleges that his fundamental human rights has been or is being or likely to be contravened may apply to a High Court for redress

47 However the Child Rights Act is not of universal application within Nigeria. This is because, Nigeria, which operates a federal system of government, delineates between matters that can be competently legislated upon by the constituent states of the Nigerian federation and by the central government. The net effect of this is that the Child Rights Act does not apply perforce to all states in Nigeria, but, like international law making treaties, has to be domesticated by individual state legislatures. Unfortunately, the Child Rights Act has differing levels of acceptance and implementation among the states in Nigeria. Only about 24 States in the country have passed the Act for onward enforcement and passed them into state law. These states include: Abia, Akwa- Ibom, Anambra, Benue, Cross River, Delta, Ebonyi, Edo, Ekiti, Imo, Jigawa, Kwara, Kogi, Lagos, Nassarawa, Niger, Ogun, Ondo, Osun, Oyo, Plateau, Rivers, Taraba and the FCT (Abuja)

48 Cap L1 LFN, 2004

Nigeria’s international obligations in relation to the proscription of trafficking in persons is underpinned by the fundamental human right provisions drawn from the Universal Declaration of Human Rights 1948\textsuperscript{50} and African Charter on Human and Peoples’ Rights, both of which have been adopted by Nigeria\textsuperscript{51}.

The Protocol is more directly relevant to the crime of trafficking in persons. The preamble to the Protocol emphasises the commitment of State Parties to take effective action to prevent and combat trafficking in persons, especially of women and children. The Protocol requires a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognized human rights.

Nigeria has also adopted a series of conventions that relate to the rights of the child and child labour. The United Nations Convention on the Rights of the Child 1989 spells out the basic human rights that children everywhere should enjoy. These include the rights to survive, to develop to the fullest potential, to participate fully in family, cultural and social life and from protection from harmful influences, abuse and exploitation. The four core principles of this Convention are non-discrimination; devotion to the best interests of the child; the right to life, survival and development; and respect for the views of the child\textsuperscript{52}. This Convention underscores the importance of the best interest principle, i.e., that the paramount consideration is the interest of the child should be at all times paramount in all considerations being taken. The African Charter on the Rights and Welfare of the Child states in its preamble amongst other things, that the child, due to the needs of his physical and mental development requires particular care with regard to health, physical, mental, moral and social development, and requires legal protection in conditions of freedom, dignity and security. Relevantly also, the International Labour Organization Convention 1999 (No. 182) on the Worst Forms of Child Labour, for example declares crimes of child prosti-

\textsuperscript{50} The UDHR was the first International enactment to acknowledge the inalienability of human rights and forms the basis for Nigeria’s fundamental human right provisions
\textsuperscript{51} Ibid
\textsuperscript{52} Ibid
tion, child pornography, forced labour (all of which are significant dimensions of the crime of the trafficking in persons) as crimes of violence against children, and reiterate the resolve to eradicate these crimes.

Challenges with Enforcement and Compliance

Nigeria is one of the African countries that have articulated a specific legislative response to the crime of trafficking in persons - the TPPA and established a specialised agency (i.e. NAPTIP). Together with other enforcement agencies, notably the Nigerian Police Force and the Nigerian Immigration Service, the NAPTIP has recorded some successes – conducting 509 trafficking investigations, completing 56 prosecutions, and securing 30 convictions between 2013 and 2014.

While these perhaps reflect the presence of political will, from the executive arm of the government (including NAPTIP) as well as the Nigerian, federal legislature (which passed the TPPA), there are several challenges to enforcement and compliance.

First of all, a number of deficiencies in the Original TPPA have threatened the effective enforcement of the crime of human trafficking. (Indeed, until recently, it was the original Act that was administered by NAPTIP; and as such, enforcement and compliance challenges have largely arisen in relation to its provisions).

Notably, under the Original TPPA the definition of trafficking” did not include a general extension to the trafficking of persons for exploitative purposes (as the definitions in the Protocol and the TPPA do). This meant that a person who had trafficked another for exploitative purposes other than the purposes enumerated in the original Act, (i.e. trafficking for the purpose of involuntary servitude, bonded labour, slavery-like conditions etc); would not have committed the offence of trafficking under the Original TPPA.

53 Within the International Labour Organization, actions against trafficking of children have been undertaken primarily through the International Programmes on the Elimination of Child Labour (IPEC). See O. A. Gbadamosi, ‘International Perspectives and Nigerian Laws on Human Trafficking’ (Network for Justice and Democracy, 1st edn 2006) 73- 74
54 United States of America, Department of State Trafficking in Persons Report, July 2015, accessed online on 16 December 2015 at <http://www.state.gov/j/tip/rls/tiprpt/>
Also, certain penalty provisions of the Original TPPA, in particular, the penalties for the offences created under Sections 18, 19, 22 and 27; all of which permitted the imposition of fines, were arguably inadequate to deter the commission of the crime. In particular, the provision of Section 27 of the Original TPPA made persons charged with an attempt to commit an offence under the Original TPPA, liable to only 12 months imprisonment or a fine of N 50,000. By contrast, the TPPA generally eliminates the option of fine and for attempts to commit a crime, the TPPA imposes half of the punishment for the relevant offence.

Apart from challenges with the text of certain provisions of the original Act, another challenge lay in the interpretation of its provisions by the judiciary. In the well-publicised decision of the High Court of Edo State, in Attorney-General of the Federation v Mrs. Okoya, the accused person who was principally charged with substantive offences under Section 15(a), 16, was adjudged to have attempted to commit the relevant offences. This meant that the accused person was sentenced to a term of imprisonment of 12 months for offences that carried terms of 14 years and 10 years.

The decision of the court has been criticised, deservedly in certain respects. In particular relation to the offence constituted under Section 16 of original Act, it seems that the offence is committed once a person organises foreign travels that promote prostitution. However, the Judge was satisfied that the accused person was only guilty of attempt because the girls that had been trafficked with a view to engage in prostitution, refused to do so.

However, the better view is that the crime was committed once the travel was organised by the accused person with a view to promote prostitution. It was not relevant, in my view, that the accused person did not successfully convince the victims to engage in prostitution.

55 This section deals with a person charged with attempting to commit an offence under the original Act.
56 Section 29 of the TPPA
59 Section 10 of the original Act
The fountainhead of the court’s conservative (and arguably erroneous) interpretation of the provisions of the original Act can be traced to statement made in an earlier part of the judgment in this case:

“the seriousness or gravity of the offence charged under Section 15(a) of the Act is dictated by the heavy punishment of up to 14 years imprisonment imposed without an option of fine. Consequently, every ingredient of the offence must be proved to sustain an offence under the section.”

The judge’s reasoning is superficially tempting. However, on a closer analysis, as a matter of Nigerian criminal law, it is clear that to sustain any conviction (regardless of the severity of the penalty), the ingredients of every offence must be met.

This may suggest that the judge’s approach was motivated, less by principles of criminal law, and more by subjective opinions as to whether the crime committed merited a “heavy sentence.” As such while, the judge may have reached a correct decision on the section which was in issue at the time the statement above was made (i.e Section 15(a), his incorrect interpretation of Section 16 may have been borne of this bias.

If so, it will constitute evidence of how biases of persons comprising government instrumentalities can compromise effective compliance and enforcement of anti-trafficking laws.

Enforcement agencies have for instance, been criticised for not focusing on instances of domestic servitude. House-helps are a fixture in many Nigerian homes and many of these are children. Because this is so, it is possible many do not consider this form of domestic servitude illegal60. More broadly in relation to gender inequality, only recently, a state61, and Nigeria’s federal legislature62 rejected bills aimed at furthering gender equality. More

60 S.K Kigbu note 60 above, 150
specifically in relation to trafficking. Other challenges to effective enforcement include ineffective coordination amongst domestic law enforcement agencies and inefficiencies in border control. Also relevant are shortcomings in victim identification and social support structures essential for the education of communities and protection and rehabilitation of victims. As such, while some progress has been made, Nigeria continues to lead globally in the prevalence of the crime of human trafficking.

It is a premier source country for trafficking, and alarmingly huge proportions of victims of trafficking identified across the world’s countries are Nigerian. Nigeria is also a significant transit and destination country. Notably, both internal and external trafficking is rife.

On one hand, a large proportion of the trafficking problem in Nigeria is internal – an overwhelming majority of victims of trafficking in Nigeria are Nigerians. On the other hand however, Nigeria is the largest single source of trafficked women to Europe and Middle East for prostitution and or domestic slavery. For example, trafficked women and girls from Nigeria constitute over 60% of prostitutes in Italy. Girls and women continue to be the most vulnerable groups to trafficking.

This is the case in spite of the adoption by many of these countries of specific anti-trafficking protocols, as well as, on a broader scale, multilateral gender equality initiatives.

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63 For a more expansive discussion on the enforcement challenges, see generally, S.K Kigbu note 60 above.
64 Hope for Children, the Global Slavery Index 2014, note 4 above.
65 The United States of America State Department Report highlights that EUROPOL has “identified Nigerian organized crime related to trafficking in persons as one of the greatest law enforcement challenges to European governments.” See United States of America, Department of State Trafficking in Persons Report, note 56 above.
66 See United Nations Office on Drugs and Crime, note 50 above, 106.
PART III – POSITIONING AN AFRICAN-LED RESPONSE TO HUMAN TRAFFICKING

In many respects, Nigeria is a microcosm for many other African countries which are ranked amongst the worst in the world for engaging in trafficking in persons, slavery and forced labour. This is despite the fact that all countries in Sub-Saharan Africa have domestic legislation focused on these crimes; and most African countries are signatories to key international instruments like anti-trafficking protocols. Additionally, Nigeria, despite leading the regional response to crimes like trafficking in persons, through, in particular, the activities of NAPTIP, is ranked 6th in the world for the highest numbers of trafficked people and people in bonded and exploitative labour. Nigeria’s unfortunate record in relation to the recruitment and use of child soldiers has also meant that it is subject to restrictions under the United States of America, Child Soldiers Prevention Act. There is however an overwhelming acceptance of subscription to multilateral conventions such as the Protocol, Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Declaration and Platform for Action within Africa.

This apparent contradiction can be explained in at least two ways. The first is that the enforcement gap stems from sub-optimal enforcement. Alternatively, or additionally, it may well be that existing approaches are not well suited to local realities. I believe that the best view is that both these rationales are relevant.

In the first place, enforcement of domestic and international obligations is crucial. Nigeria’s comparative successes, in particular, by securing a number of convictions, is undoubtedly a victory for its enforcement strategy – by articulating national plan of action, creating of a central anti-trafficking entity and enacting, and amending specific anti-trafficking laws. This can be contrasted with other countries like Eritrea that have neither artic-

68 Hope for Children, the Global Slavery Index 2014, note 4 above
69 Ibid., page 51. Additionally, 35 out of 44 countries in the Sub-Saharan region have coordination bodies working on modern slavery issues
70 Ibid, 20
71 2008.
ulated comprehensive national policies\textsuperscript{72} nor specifically budgeted for the enforcement of the prohibition of these crimes\textsuperscript{73}. In this sense, improved enforcement should inevitably lead to more investigations, prosecutions and convictions of criminals.

However, this alone does not address the cultural issues and economic dynamics that propel the crime. Indeed, the continued prevalence of the crime despite the strength of policy response of countries like Nigeria suggests that a re-evaluation in terms of policy or implementation is timely and necessary.

\textbf{Creating an integrated Africa-wide Gendered Approach}

Today, in view of the important linkages between gender equality and the prevalence of the crime of human trafficking, the best initiatives that challenge trafficking are gender-responsive and sensitive, now focus more on prevention, seek to pre-empt and address the dynamics that create demand and supply for the crime, recognise the role of cultural stereotypes and gender roles in perpetuating the crime, concentrate on the elimination of cultural gender imbalances, advance a woman’s human right based approach, and emphasise international collaborations and partnerships between countries of origin and destination.

In my view however, some factors may impede the successful implementation of international initiatives within Africa. Principal amongst these factors is the fact that the impact of globalisation and the development of globalised goals notwithstanding, there are significant differences in terms of culture and priorities that may undermine the legitimacy of otherwise internationally acceptable, and gender responsive frameworks in Africa. Furthermore, multilateral agreements are arguably ill-suited to adequately cater to domestic interests or be responsive to domestic realities of many

\textsuperscript{72} See United States of America, Department of State Trafficking in Persons Report, note 56 above 153
\textsuperscript{73} According to the Global Slavery Index, 2014, only the governments of Cote d’Ivoire, Liberia, Mauritania, Mozambique, Nigeria, Republic of the Congo, Senegal and Zambia had specific budgets to address the issue of trafficking within 2012 and 2014. See the Hope for Children, the Global Slavery Index, 2014, note 4 above 52.
African countries. This however does not mean a domestic unilateralist approach will be any more successful. Unilateralist approaches do not benefit from the synergies that international cooperation and are ill-suited to the inherently international nature of the crime.

Indeed, the scale of the crime, its international dimensions and historical weaknesses in national frameworks means that purely domestic approaches to solving the crime will be inadequate, and recommend the use of an international platform in articulating and implementing the gendered approach. However, while such approaches, like Protocol, have garnered much support amongst governments, it is clear that the convergence of political interests of state parties is not determinative of the ability states’ to influence their citizens’ conduct.

The growing emphasis on African integration at a continental level (as is best represented in the African Union Agenda 2063) may however present an opportunity to advance a gender-sensitive and responsive approach to combatting the crime of human trafficking, on a regional scale and in a manner that is conscious of the domestic realities and dynamics of member states. This would be an African-led approach that is underpinned by the central objective of modifying the norms of citizens of member states, many of which are source and transit countries.

Such a regional initiative will be premised on the understanding that African countries are better placed to design policy frameworks that are sensitive to the cultural, legal and economic underpinnings of the prevalence of

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74 This calls to mind the truth that laws are inextricably rooted in varying social contexts. See W. Alford, Exporting the Pursuit of Happiness, accessed on 5 November 2015 at <https://dash.harvard.edu/handle/1/4878914>


76 Furthermore, and while not as common as the two categories identified above, there is also evidence that African countries are destination countries for the trafficking of non-African nationals. For instance, Gabon was a destination country for trafficked persons from East Asia, while significantly, South Africa was a destination country for, relevantly, trafficked persons from Thailand. See United Nations Office on Drugs and Crime, note 50 above, 61, 64

77 Multilateralism, described as the international governance of the many (see M. Kahler, Multilateralism with Small and Large Numbers, International Organisation, 46, 3 (Summer, 1992) 681), has its shortcomings including, its propensity to favour developed states, and potential challenges to sovereignty. (See L. Powell, In Defense of Multilateralism, accessed online on 11 November 2015, <http://www.yale.edu/gegdialogue/docs/dialogue/oct03/papers/Powell.pdf>). Arguably however none of these apply to discrimination on account of sex
the crime of trafficking, and oversee the enforcement of such frameworks, through regional efforts. At the basic level, such a regional approach will set out the general objectives that each member state should be directed to, which for ease of reference, would implicate: an obligation on the state to define humans rights, and women’s rights at a domestic level, and create institutions for monitoring and enforcement; an obligation on the state to adapt social and economic policies so that they are gender-sensitive, and an obligation on the state, domestic and international actors to assist in repudiating notions that promote inequality. The regional approach would also emphasise and incentivise domestication and enforcement and promote mutual cooperation amongst origin, transit and destination African countries.

Achieving this within an African context requires consistent mainstreaming of gender equality in domestic governance, educational, religious and traditional systems. Within the context of the Africa-led strategy proposed above, plurilateral agreements must promote harmonised gender standards across educational, economic and health policies.

Given that in many of these African countries, domestic norms inhibit effective compliance with multilateral instruments, the continent-wide framework will emphasise the mainstreaming of gender equality domestically and regionally. Regional economic communities in Africa have, and can continue to play a crucial role in this regard by ensuring compliance with gender protocols issued by ECOWAS78, COMESA79 and SADC80.

An African-led strategy must be focused on addressing the factors that promote demand and supply components of the crime. It must be conscious of the need to give women equal rights to economic resources, and recognise and value the economic sectors that women currently monopolise, through social protection and labour policies, improve their ability to adapt to external shocks. Social protection policies must also address the impact of government economic policies (such as privatisation) and how resulting unemployment or economic constraints can affect women either directly or indirectly, in circumstances where a male provider loses the ability to earn.

78 Economic Community of West African States
79 Common Market for Eastern and Southern Africa
80 Southern African Development Community
An Africa-led initiative must emphasise a rights-based approach to combating the crime. International conventions that recognise and guarantee women’s human rights are a critical source of law in this regard. As such, a regional framework must emphasise and should coordinate, through regional bodies, the domestication of international conventions where relevant.

Given that trafficking is a multi-state problem, an Africa-led strategy must promote international cooperation and collaborations amongst enforcement agencies. The transnational nature of the crime means that countries of origin, transit and destination must collaborate to prevent trafficking, protect its victims and prosecute the traffickers.

An Africa-led strategy must promote the capacity development of domestic enforcement agencies. Regional coordinating offices can be established to leverage on international partnerships to develop capacity in a way that is domestically relevant.

Finally, regarding the form that the proposed initiative may take, such an Africa-led initiative may be more sustainable if it is represented as a framework in a policy document – as opposed to, for instance, a treaty or model law. This, I believe is vindicated by the recognised divergences in the legal systems, cultures and traditions of state participants in this regional initiative, and the need for each participant to have the flexibility to model an approach that best achieves the objectives of the regional framework, based on the gender-sensitive principles discussed above. Furthermore, the flexibility of a policy document eases the adaptation of fresh solutions and strategies to meet the realities of an ever changing crime. On the other hand, the challenge with model laws and treaties is that provisions are frozen in time and lack the flexibility of policy document

CONCLUSION

Despite being a negation of a bouquet of international and domestic human, economic and social rights, trafficking is a crime that continues to persist, a danger to disturbing proportions of the world’s women.
Combatting the crime is difficult, because of dynamics that have root in the cultural foundations of many African societies and the economic realities of our emerging market economies. Existing approaches are commendable, but have not been effective at modifying the norms that popularise the crime.

This paper proposes the promotion of a continent-wide approach that pushes the agenda as critical to African integration and the African Agenda 2063, so as to promote the acceptance of a framework that can influence the root and remote causes of the crime.

Regional agreements will be the first stage, to help participating nations agree priorities and flexible policies. Building on this, motivated states and national and international actors can, through engagement, education, monitoring and the provision of incentives, help change the notions and attitudes that perpetuate the crime.
Rethinking gender specific development in the post-MDG era: the case of Zimbabwe

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In June of 2015, Johannes Tomana, the Prosecutor-General of Zimbabwe found himself at the centre of a national controversy following an interview in which he effectively endorsed child marriage. His comments ignited rigorous dialogue regarding the country’s increasingly vulnerable girl child population. The Constitution of Zimbabwe states that those under 18 are “not capable of founding a family”. However, due to the country’s harsh economic climate, he asserted that early marriage was one of the few options open to girls from disadvantaged or impoverished backgrounds. These comments followed an inquiry into the acquittal of two men charged with raping a 15 year old girl, and uncovered an alarming trend of lenient judgements passed for rape cases involving minors. While the legal age of consent in Zimbabwe is 16, the law only provides absolute protection in cases of rape for a child under 12. This effectively creates a legal grey area for children between 12 and 15, a disparity that leaves these children with no guarantee of protection. As such, not only does the country’s top prosecutor condone child marriage, legal practice in the country does not always treat sex with a minor as rape. Within the context of development, these ambiguities surrounding the legal age of consent undermine decades of gender specific development policy. Using Zimbabwe as a case study, this paper interrogates the impediments to gender specific development at the state level. As global development agendas do not operate in a vacuum, the dominant national legal and political structures that surround them play a consequential role in their realisation. This paper situates the state as a the centre of gender specific development debate, arguing that structural provisions, namely, enabling legal frameworks, play a consequential role in the realisation of development goals.

Key words: Development; Gender; Zimbabwe; Early marriage; Age of consent
The end of 2015 marked the end of the Millennium Development Goals (MDGs), a global initiative initiated by the United Nations (UN) at the turn of the new millennium, toward increased development. The eight MDGs consisted of internationally recognised targets to reduce poverty and hunger, maternal and child deaths, combat HIV/AIDS and other diseases, gender inequality, environmental degradation, provide universal primary education, and create strategic partnerships for development. The broad guidelines soon became the foundation of many well-articulated and executed development initiatives, particularly in the global South. UN agencies, Non-Governmental Organisations (NGOs), national governments and civil society organisations (CSOs) formulated various policies aimed at specific MDG's, creating a cohesive global drive toward meeting specific measurable goals. While significant progress was recorded for many goals, such as reducing maternal, child mortality and the spread of disease, the progress of others – particularly relating to gender equality – remain elusive.

The MDGs clearly articulated the target to address gender inequality, however, the complex nature of such a goal, whose achievement is predicated on large-scale cultural, religious, political and economic reforms, could not be addressed adequately in the ascribed 15-year period. As such, the newly established Sustainable Development Goals (SDGs) must meet the dual challenge of creating new avenues for development while simultaneously addressing the short falls of the MDG era. The question of how to better address the effects of gender inequality in developing regions falls squarely at the centre of the post-MDG development agenda, as women and girls still remain the most vulnerable population in developing countries.

The overwhelming effects of poverty, patriarchy, religious conservatism and cultural practices, make the realisation of gender equality within societies particularly challenging (Muller, 2007; Hamilton, 2014). The challenges to gender equality are driven not only by negative societal attitudes and practices, but through state policies and leadership that discriminate against and negate the rights of women – as the case of Zimbabwe will show.
A controversial news interview with the Prosecutor-General of Zimbabwe, conducted in June of 2015, exposed the widespread legal endorsement of early marriage and disregard for statutory rape regulations for victims of rape between the ages of 12 and 16. Although the country has recently taken a historic step by setting the legal age for marriage at 18, the legacy of early marriage will affect the country for decades. The costs of early marriage and gender related abuse on development are well documented (Singh and Samara, 1996; Sen, 1999; Abu-Ghaida & Klasen, 2004; Kabeer, 2005; Muller, 2007). Though Zimbabwe boasts one of the continents highest literacy rates, without governance and legal structures that prioritise the protection and empowerment of all genders, such positive development markers will inevitably decline.

To be truly sustainable, Development thinking must go beyond identifying means to advance development, and critically engage with the impediments to development. Additionally, development practice and thinking in the post-MDG era must go beyond addressing the right to development, to addressing rights in and through development. Using Zimbabwe as a case study, this paper interrogates the impediments to gender specific development within states. In order to give context, the paper will begin by giving a brief overview of the state of gender specific development in the post-MDG era. It will then explore the structural impediments to gender specific development and will detail the nexus between (discriminatory) legal frameworks and gender specific development – with a particular reference to Zimbabwe. The analysis will conclude by offering legal reforms that can be employed to advance, execute and buttress sustainable development.

As global development agendas do not operate in a vacuum, the dominant national, legal and political structures that surround them play a consequential role in their realisation. Even though the laws of Zimbabwe complement the ends of international development, if these laws are not enforced they are but legal provisions with no societal impact. This paper situates the state as a the center of gender specific development debate, arguing that structural provisions, namely, enabling legal frameworks, play a consequential role in the realisation of gender specific development goals.
GENDER SPECIFIC DEVELOPMENT IN THE POST-MDG ERA: A BRIEF CONTEXT

The MDGs were instrumental in their ability to create a global consensus and commitment toward development. Notwithstanding the progress of this global movement, it is apparent that the current gains still fall short in relation to the levels of poverty, inequality and under development still present across the globe, particularly in the Global South.

With reference to the most pressing global health concerns, global statistics show an overall reduction in the incidence of new HIV infections of 38%, since 2001. Worldwide, approximately 2 million people became newly infected with HIV in 2014, down from 3.4 million in 2001. New infections among children fell by 58%, dropping below 200,000 for the first time since 2001, reflecting significant progress in 21 highly affected countries in Africa (UNAIDS, 2014). A significant decline was noted in HIV/AIDS related deaths across the continent, most notably in South Africa (48%), Rwanda (76%), Eritrea (67%), Botswana (58%), Burkina Faso (58%), Ethiopia (63%), Kenya (60%), Zimbabwe (57%), Malawi (51%) and the United Republic of Tanzania (44%) (UNAIDS, 2014, p. 27). This continent-wide decline of HIV/AIDS markers is indicative of a significant increase in access to quality health care and treatment. In sub-Saharan Africa, 10.7 million people were accessing antiretroviral treatment in 2014. This accounts for 41% of all people living with HIV in the region. South Africa, which carries a significant proportion of the continent’s HIV burden, has the highest number of people on HIV treatment—nearly 2.6 million—and has committed to doubling this number in the next few years (UNAIDS, 2014, p. 29).

Few global goals have been as consistently and deeply supported as the notion that every child in every country should have the chance to complete at least a primary education. In this regard, the African continent has made tremendous strides in achieving universal education with 80% net enrolment in primary education in 2015, up from 58% in 1999 (UNDP, 2015, p. 26). Of the 27 countries with data for 1991 and 2007, seven countries: Ethiopia, Guinea, Malawi, Mali, Madagascar, Mauritania, and Morocco, scored a significant improvement of 30 to 50 percentage points. Burkina
Faso, Burundi, Djibouti, The Gambia, Ghana, Niger, Rwanda, Senegal, Swaziland, and Togo also succeeded in improving primary net enrolment by some 10 to 30 percentage points during this period (AU, 2010). Overall data from Education for All, The United Nations Children’s Emergency Fund (UNICEF) and the United Nations Development Programme (UNDP) all show significant increases in education markers in all developing regions, since the introduction of the MDGs.

Despite the significance of these strides, they must be viewed in the greater context of the enduring cycles of inequality and poverty on the continent. An estimated 42.7% of Africans still live below the poverty line, with the most vulnerable of the continent’s population being women and children (World Bank, 2015).

Dominant development narratives place almost exclusive focus on figures relating to parity that may present the appearance of progress while concealing vital concerns of inequality, discrimination or disadvantage in developing regions. The specific practices, such as forced/early marriage, that restrict women and girls from furthering their education, accessing adequate health care or limit their economic potential must be addressed, in order to cement the gains that have already been made through development initiatives.

In this context, the state is best suited to address these impediments to gender-specific development, as the state is uniquely situated as both a legal and social actor. The ability of laws to initiate and expedite positive societal change is well documented (Moore, 1973; Handler, 1978; Upham, 1987; Rosenberg, 1991; O’Donnell, 2004; Roach Anleu, 2009), and if adequately applied, laws can ensure sustainable foundations for gender-specific development.
STRUCTURAL CHALLENGES TO GENDER SPECIFIC DEVELOPMENT: THE CASE OF ZIMBABWE

Johannes Tomana, the Prosecutor-General of Zimbabwe was caught at the centre of a national controversy in June 2015, after he was quoted in an interview, effectively endorsing child marriage\(^1\). Citing the nations’ harsh economic climate as a determining factor, Tomana asserted that marriage is often the only option for children from disadvantaged and impoverished backgrounds. School dropouts, in his view, should be allowed to get married early as they have no alternatives, adding that sending their partners to jail would effectively ruin their lives (Katongomara, 2015).

Zimbabwe’s economic downturn is well documented. The nation recorded a hyperinflation rate of 89.7 sextillion percent in 2008, the highest of any nation in the 21st century (Hanke, 2008, p. 1). Zimbabwe’s GDP growth has decelerated sharply from 10.6 percent in 2012 to 4.5 percent in 2013 and was marked at 4 percent in 2014. The country is at high risk of debt distress, with an unsustainable external debt estimated at USD8.4 billion in 2015 (Monyau & Bandara, 2015). Unemployment levels continue to rise exponentially, with a reported 20,000 jobs lost in the month of August, 2015, alone (Chidza, 2015). In this context, many families fail to send their children to school or meet their basic needs. Tomana contends that it is acceptable for young girls from such backgrounds to seek out marriage as a means of sustenance. “If you look at it, we do not have the framework for example, where we can guarantee that all our girl children are usefully engaged before they actually get above 18” (Tomana in Katongomara) in such instances where a child is out of school, to prohibit them from marriage would be unreasonable. “To simply say ‘no such and such conduct’ for any girl say below the age of 16, I think we’ve not asked ourselves what we are saying about that girl who would rather prefer to lead their life in the direction of marriage” (Tomana in Katongomara, 2015).

\(^1\) Tomana adamantly defends himself saying that he was misrepresented; however, an audio recording of the interview supports the sentiments expressed in the article. Audio available at: http://www.herald.co.zw/latest-tomana-on-age-of-consent/
Tomana’s remarks have received widespread attention, as he is the top prosecutor in the country. A large number of people echoed these views on social media and radio talk shows, indicating a significant social acceptance of early marriage, particularly in rural settings (Taderera, 2015). These comments followed an inquiry into the acquittal of two men charged with raping a 15-year-old girl. Further investigations uncovered an alarming trend of lenient judgements passed for rape cases involving minors (Katongomara, 2015). While the legal age of consent in Zimbabwe is 16, the law only provides “absolute protection” in cases of rape for a child under 12 (Government of Zimbabwe, 2001). This effectively creates a legal grey area for children between 12 and 15; a disparity that leaves these children with no guarantee of protection. Judgements from Zimbabwean courts show that judges opt to give very lenient charges to offenders who have been accused of raping girls between the ages of 12 and 15.

In the case cited above, Magistrate Chrispen Mberewere said the girl “did not scream” and “knew what she wanted” (News24, 2015). In April of 2015, a court charged a 19-year-old man who impregnated a 13-year-old girl with 315 hours of community service, while another court in Gwanda sentenced a man who impregnated his 12-year-old ‘lover’ with 210 hours of community service (Katongomara, 2015). In the notes accompanying these judgements, the judges cite the perceived maturity of the victim, her appearance and character, stating that the moral blameworthiness of the man is in question if he wrongly believes that the victim is older than she is. Together, with the notion of the victim ‘knowing what she wants’, these rulings effectively lower the age of consent to 12 and place the burden of proof of rape on the victim rather than the sexual abuse perpetrated by the accused.

Judges who do pass strict sentences often have their judgements challenged in appeal. A 2013 case, where a man was sentenced to one year in prison with no fine, after pleading guilty to raping a 14-year-old girl, was deemed “too harsh” in an appeal overseen by Justice Mutemwa (Katongomara, 2015). In essence, child predators are tacitly indemnified by the courts as they are usually required to only commit to community service. As such, these sentences do not serve as a deterrent and have little potential for rehabilitation.
In October of 2015, Prosecutor-General Tomana once again found himself at the centre of a national controversy, after the Constitutional Court sentenced him to a 30 day jail term for repeatedly refusing to issue a certificate of private prosecution for a case in which a legislator, Dr Munyaradzi Kereke, was accused of raping an 11 year old girl. The family of the victim resorted to suing Mr. Tomana in an effort to compel him to allow the case to be adjudicated in court. In return for a fully suspended jail term, Mr. Tomana issued the certificate and the case will be discussed in the courts this year (Laiton, 2015).

Mr Tomana’s remarks and actions regarding early marriage and statutory rape triggered rigorous debates about the country’s increasingly vulnerable young female population. A Zimbabwean youth rights lobby organisation, Real Opportunities for Transformation Support (ROOTS), initiated an anti early marriage campaign under the slogan “Not Ripe for Marriage”. A major component of their campaign was lobbying for support to bring a case before the Constitutional Court of Zimbabwe, in which, two former child brides were suing the Government of Zimbabwe for allowing the abusive practice of early marriage to persist. The case argued that by not setting a clear law prohibiting early marriage, the government had absconded from its responsibility to safeguard the lives of girls (Batha, 2015). The landmark judgement, which was handed down on January 20th 2016, set the new national age for marriage at 18, and went further to deem any other law or custom that permitted the marriage of individuals under the age of 18 as unconstitutional (Nemukuyu, 2016).

Notwithstanding this vital advancement in Constitutional law, the track record of the national prosecuting authority has not been positive. In this regard, it still remains to be seen if the national prosecuting authorities will indeed prosecute individuals found in breach of this law. The actions of the Prosecutor General are indicative of an overall laxity within the legal system for the rights of women and girls. These structural deficits are not specific to Zimbabwe alone, other southern African states such as Mozambique, Malawi and Swaziland have similar legal frameworks that impede gender equality. In this respect, the lessons and recommendations drawn
from Zimbabwe can be extrapolated and adjusted to address the specific concerns in another state.

**THE NEXUS BETWEEN GENDER SPECIFIC DEVELOPMENT AND LEGAL FRAMEWORKS: LESSONS FROM ZIMBABWE**

Zimbabwe presents two related but distinct concerns relating to gender inequality. Firstly, legal practice in the country does not always treat sex with a minor as rape, leaving girls who are between the ages of 12 and 15 with no guaranteed legal protection. Secondly, till recently, the legal system allowed for early marriage. Both concerns stand as significant impediments to gender specific development and the advancement of development as a whole.

**The Legal Age of Consent**

Zimbabwe’s statutory rape law contains many ambiguities that leave its interpretation open to the dominant social impetus of patriarchy, and cultural and religious conservatism. Section 61 of the Criminal Law Code sets the age of consent at 16. Under Section 64 if an individual has sex with someone under the age of 12 it is unarguably rape. However, if the girl is between the ages of 12 and 14 it is considered rape, unless it is shown that the girl was either able to give consent or gave consent, in which case the crime is interpreted as sex with a young person – warranting a less severe sentence. The law goes further to give provision for sex with a girl aged 14-16, as ‘sex with a young person’, unless it can be shown that no consent was given, in which case it is deemed rape (Government of Zimbabwe, 2005). These ambiguities that chiefly assign the burden of proof on the victim essentially eliminate the protection that laws of statutory rape are meant to provide.

More importantly, the question of consent should not be left to the interpretation of the judge. Established psychology and reproductive health research supports the fact that a child under the age of 16 does not have the
full mental capacity to fully consent to sex, with a sound understanding of
what their consent entails (Jackson, 1982; Dorn, Susman and Fletcher, 1995;
Ellis and Kitzinger, 2002; Thompson, 2004; Smette, Stefansen and Massige,
2009). At the moment, the legal frameworks in Zimbabwe express the sen-
timent that children and teenagers can provide consent to sex. Assessing the
outcomes of cases, it is increasingly clear that the protection of the reputa-
tion of the male sexual predator seems to be of greater value than the pro-
tection of the life of the girl child. Men who rape children are often painted
as helpless individuals seduced by the feminine wiles of these ‘fast’ girls,
rather than as criminals. Even those who plead guilty are often indemni-
fi ed
by the court through lenient charges. Moreover, many, as in the case of the
legislator Kereke, evade prosecution altogether.

These ambiguities surrounding the legal age of consent undermine decades of development policy. The ambitions of gender equality intersect and complement with those of others. No specific development goal operates in isolation - instead each works in mutual beneficence with another, and create intersecting spheres of progress within society. A 2003 study from York University, put forward statistical models showing how increases in gender equality in Europe, over decades, stimulated economic and demographic growth. Measuring gender equality as female-to-male human resource capital, the study showed how linear increases in gender equality over time, increased per-capita income growth rates (Lagerlof, 2003, p. 404); showing the societal benefits accrued from increased gender equality. The concern of consent becomes even more complex when coupled with the social practice of early and/or forced marriages. Together these factors constitute the most fundamental barrier to gender equality and gender specific development.

Early Marriage

The UN estimates that between 2011 and 2020 more than 140 million
girls will become child brides (WHO, 2013). This trend particularly endan-
gers girls in the developing countries with expanding youth populations.
The 2014 Multiple Indicator Cluster Survey conducted by the Zimbabwe National Statistics Agency and UNICEF, and published in 2015, states that
24.5 percent of girls aged 15-19 are married in Zimbabwe. Alarmingly, of the women surveyed aged 15-49 years, about one in twenty (5 percent) were married before age 15, and among women age 20-49 years, about one in three (32.8 percent) were married before age 18 (ZIMSTAT, 2015). Zimbabwe, along with Mozambique, Malawi and Zambia have the highest early marriage figures in the sub-region (UNICEF, 2015). Early marriage almost always results in sexual abuse, and teenage pregnancy, which may translate to increases in HIV/AIDS incidence, increases in maternal mortality and overall lower enrolment rates in schools.

The cost of early marriage to health is most starkly demonstrated through global statistics. Globally, an estimated 35.3 million people were living with HIV at the end of 2012, of these, 2.1 million were adolescents aged 10–19 years, of which the majority were girls (Idele et al, 2014, p. 145). Sub-Saharan Africa accounted for 85% of global HIV infections in 2012, approximately two-thirds of all the new HIV infections during this period, in adolescents, were girls. In some countries in Africa, more than 80% of the adolescents newly infected with HIV in 2012 were adolescent girls—South Africa (82% female), Sierra Leone (85% female), Gabon (89% female) (Idele et al, 2014, p. 146). Research shows that HIV incidence in adolescent girls is mainly due to transmission at birth, however, data noted that forced sexual activity and early marriage were a significant contributing factor in infections, particularly in middle-low and low income homes. Young adolescent girls have a higher potential exposure to HIV, as they usually have older sexual partners, who in turn usually have multiple sexual partners (UNICEF, 2011, p. 10).

The health risks within early marriage go beyond HIV/AIDS. Complications of pregnancy are the leading cause of death in young women aged 15-19. Of the 16 million girls who give birth every year, about 90% are already married. UNICEF estimates that up to 50,000 of them die, almost all in low income countries. Moreover, still births and newborn deaths are 50% higher among young mothers under 20 than in women who get married after 20 years of age (WHO, 2013). The physical stature, endocrine system and immunity of a teenage female cannot fully accommodate the various
physiological demands of pregnancy and childbirth, resulting in teenage mothers suffering numerous health risks as well as mental traumas. Due to religious, cultural and economic factors, these girls often do not have access to adequate contraception or are prohibited from using it at all. Because child marriage is more prominent in poor and rural communities, these health risks are compounded by the effects of poverty such as malnutrition, inadequate water and sanitation and minimal access to quality healthcare.

When girls are married early, little to no focus is paid to their education. This situation, limits their earning potential, quality of life and overall well-being. While African states have made significant strides in meeting MDG 2, an exclusive focus on figures negates the concern of inequality. Whereas enrolment rates are a quantitative concern, equality is qualitative – requiring an assessment that is more intensive. An exclusive focus on figures may present the appearance of progress while concealing vital concerns of inequality, discrimination or disadvantage in education. Therefore, gender parity in education should not be the only marker of progress in gender equality. According to Wilson (2004) addressing the right to education, without addressing rights in education and through education may mean compelling attendance in education that may be of limited use and relevance to increasing equality between the sexes. Education, therefore presents itself not only as a means to delay marriage among girls, but also serves to sensitize the girl child of her rights as a girl and as a citizen.

Aikman, Unterhalter and Challender (2005) put forward a vital argument for gender-sensitive curricula and pedagogies in schools, noting that these would not only ensure traditional outcomes of education, but long term gains for gender equality in communities. Gender sensitive pedagogies would in essence act as societal interventions, sensitizing children of both sexes to the negative consequences of gender based violence, sexual abuse, early marriages and other gender specific ills.

Education and gender equality share a mutually re-enforcing relationship, which sets a solid foundation for further sectors of development. Studies have shown that more equitable distribution of education is correlated
with lower poverty and inequality and faster economic growth. Greater education for girls has strong positive impacts on the health of infants and children, immunisation rates, family nutrition and the next generation’s schooling attainment (Maparura, 2010). Data from the continent shows that education for girls and boys may be the single most effective preventive weapon against HIV & AIDS (EFA, 2013). As such, gender-specific education yields tremendous development benefits that are not only quantitative. Ultimately, gender specific education builds on what Amartya Sen calls “human capabilities” - the essential and individual power to reflect, make choices, seek a voice in society, and enjoy a better life (Sen, 2008). An educated girl child has more agency, human capital and greater personal and economic potential.

The concerns of early marriage and the age of consent play a significant role in matters of gender inequality. Furthermore, gender inequality in its various forms, plays a consequentially significant role in other development goals. Positive gains in gender equality create a series of inter-linked benefits. Conversely, large gender disparities translate into losses in development and growth. It is therefore imperative that future agendas for development in the post-MDG era respond, not only to the concern of gender inequality but to the specific impediments to gender equality.

Future development agendas, as articulated in the newly approved Sustainable Development Goals (SDGs), require more nuanced responses to development challenges. The MDGs have received an unprecedented amount of institutional and academic input from UN agencies, international organisations, NGOs, and CSOs. Similarly, they received substantial amounts of funding through the UN, the World Bank, the International Monetary Fund (IMF) and global donors. However, Kosack & Tobin (2006) and Moyo (2009) contend that aid is not the determining factor in the realisation of development goals, advocating for more critical analyses of development. Following this prompting, this paper situates the state, more specifically the

legal frameworks within the state, at the centre of the response to gender specific development in the post-MDG era.

The state, unlike NGOs or CSOs, is uniquely positioned to sanction social behaviour, prohibit abhorrent practices and facilitate social change. Strategically formulated legal reforms can be employed by the state in order to spur gender specific development. While the importance of funding and global policy cannot be negated, in order to advance sustainable development agendas in the post-MDG era, structural changes must be made within states to ensure the longevity of development gains.

**LEGAL REFORMS FOR GENDER-SPECIFIC DEVELOPMENT**

The specific concerns of the age of consent and early marriage require strict legal reforms. With direct reference to Zimbabwe, the current ambiguities in the laws regarding statutory rape allow for judges to pass lenient sentences for rape. A legal reform that removes the lesser charge of ‘sex with a young person’ and situates all sexual acts with a person under the age of 16 as ‘strict liability rape’ is required. In this form, the law would not be susceptible to the various, ill-informed opinions of judges and lawyers, that assign blame on the victims of rape for ‘appearing too old’ or ‘not screaming’. Until a clear, strict liability rape law is set, judges will be able to pass lenient charges for rape and shift blame to the victim, effectively lowering the age of consent to the lowest limit.

Through the January 2016 ruling, that sets the age for marriage at 18, the Constitutional Court of Zimbabwe has made the first of a series of vital moves to eradicate the practice of early marriage. However, this practice requires more intensive intervention as it is multifaceted, and motivated by various intersecting factors. Poverty plays a constant underlying role, as the practice is most prevalent in low and low-middle incomes. However, religion, culture and patriarchal beliefs play an equally dominant role. Early marriage may be seen by some families as a mean to protect their daughter from premarital sex, pregnancy outside marriage or not getting married at
all. In this view, the girls’ only value is in how she relates to perceptions of honour within the society. As such, her early marriage is a means to ensure that she will bring honour to the family. Other families marry off daughters as a means to reduce the number of children under their care. While the price a husband is required to pay for a young bride, it also works as a major incentive to parents to marry off their children. Certain religious groups teach that marrying off children will bring families blessing and prosperity and, in many instances, girls get married as the only option available to them for progress in their communities (Equality Now, 2014, p. 7). These deeply rooted social beliefs and systems require strategic structural approaches that begin to reconfigure the way people think and behave in society.

As stated earlier, the ability of laws to initiate and expedite positive societal change is well documented. As laws reflect the values of the society they preside over, they are inherently linked to social behaviour. The classic conception of the social contract as prescribed by Hobbes and Locke (Steele, 1993) situates the state as the supreme authority over the territory and establishes the law as the means through which to institute and maintain order and peace. While the classic conception of law is predicated on a society ascribing to a set of moral values, the law can also be used to root out abhorrent behaviour within the society. The penalties accompanying these laws would send a clear signal to the society regarding intolerable behaviour and initiate social change. The law plays this unique and important role as it recognised as the legitimate authority in the country, and its binding nature gives it the ability to sanction individuals who act against it.

The first vital response is to legislate for a clear marriage law at 18 years old. Beyond deeming all other laws to the contrary unconstitutional, legislators should be tasked with harmonising all other contrary branches of the law to meet this standard. All ambiguities must be removed from the laws, to ensure the universal protection of children from early marriage. This includes laws that allow for differing ages for marriage between men and women and those that allow for the consent of marriage in cases of statutory rape. Laws must go further than outlawing early marriage and clearly stipulate the sentence that accompanies this charge - leaving no avenue for
the accused to remain without penalty. Penalties should also be prescribed for the parent, guardian or consenting party that sanctions the marriage of a child. Spreading the risk for criminal charges will serve as a deterrent to the potential groom and the family alike. Recognising that early marriage is usually sanctioned by the family, traditional and/or religious leaders; these authorities must be held liable for allowing the practice to persist under their jurisdiction.

Further measures can be taken to buttress legal provisions to identify and stop instances of child marriage. Legislators and the judiciary should use their influence to lobby traditional leadership to act against the practice, as well as incentivise compliance with this standard. Raising awareness within the relevant centres of authority, regarding the illegal act of early marriage and its penalties, will play a major role in deterring people from the practice. Lastly, NGOs and CSOs must be mandated by law to notify the relevant government authorities when their work or research identifies instances of child marriage. Government authorities that fail to respond and to investigate these reports must be liable for disciplinary action.

These various legal reforms will not create immediate societal changes with regards to gender, but they will create an enabling legal environment for agendas for gender equality to take root. Legal frameworks and practices that prioritise and ensure gender equality are central to achieving socio-economic development. While other development goals require significant financial inputs or global pressure for their efficacy - the concern of gender equality operates at the societal level, warranting structural intervention through the state. Legal frameworks present themselves as a vital tool in creating barriers for oppressive practices, such as early marriages. The structural provisions, offered by enabling legal frameworks, would then play a consequential role in the realisation of other development goals and their sustainability.
CONCLUSION

The sentiments of the Prosecutor-General of Zimbabwe brought to the fore vital matters regarding the country’s increasingly vulnerable girl child population. Legal disparities regarding the age of consent and the effective endorsement of early marriage threaten young girls across the country, effectively leaving them without legal protection from these discriminatory and illegal acts. From a development perspective, the Zimbabwe case presented key challenges to gender equality that are present in Africa and developing regions.

Without an enabling environment that prioritises gender equality the progress of other development goals are diminished. Evidence shows that universal primary education, improved maternal health, and combatting HIV/AIDS cannot be effectively achieved in societies that do not promote and ensure gender equality. Insufficient protection for the girl child will translate to increases in sexual abuse, translating to increases in HIV/AIDS incidence, teenage pregnancy, maternal mortality and overall lower female enrolment rates in schools. Early marriage effectively limits the education of the girl child, her earning potential, and increases the likelihood of teenage pregnancy, complications in child birth and exposure to HIV/AIDS and other Sexually Transmitted Infections.

In a view to reconfigure approaches to development in the post-MDG era, this paper puts forward an argument that does not negate the need for global consensus and action for development, but advocates for development scholars and practitioners to look within the state for more effective means to meet development goals. As international development agendas do not operate in a vacuum, the dominant national legal and political structures that surround them play a consequential role in their realisation. The sustainability of future development agendas, rest not only on policy and funding/aid, but on legal frameworks that enforce laws that directly affect matters of development. By detailing legal reforms specific to the age of consent and early marriage in Zimbabwe, the paper showed how legal reforms can be employed to advance, execute and advance gender specific development.
Re-thinking development in the post-MDG era requires development scholars and practitioners to engage critically with the structural impediments to development that are present at the national level. Through legal frameworks, states are uniquely equipped to set foundations for positive development toward gender equality and create enabling environments for further sustainable development across various sectors.

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The Public Sphere will be launching its next call for papers for the 2017 edition of the journal in the areas of economic policy, public management, international affairs, development studies, and social policy this summer, so please stay tuned.

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In the meantime, we welcome you to contribute to our journal’s new website, which features a newly launched blog section, photo essays, and Q&A’s with academics, policymakers and other experts across a range of fields.

We are currently accepting online contributions. If you are interested in blogging or contributing a photo essay or Q&A, we’d love to hear from you! Your contribution can be anything from a short blog entry to a longer-form piece, and can be focused on anything related to local, regional or global issues. It’s a great opportunity to write about (or photograph) topics important to you and feature your work online.

If you’re interested in contributing (on a regular basis, or as a one-off), please e-mail thepublicspherejournal@gmail.com with your name, contact information, a brief sentence or two on your background, and what you’d like to contribute.